~~742.1~~ 753.1 Sections ~~742~~ 753 through ~~748~~ 759 shall apply to any person who sells, supplies, offers for sale, or manufactures any solvent on or after January 1, 2005 for use in the District of Columbia.

~~742.2~~ 753.2 For purposes of §§~~742~~ 753 through ~~748~~ 759 and any of the definitions in §799 applicable to §§~~742~~ 753 through ~~748~~ 759 the District incorporates by reference rules and test methods from the California Air Resource Board (CARB), the South Coast Air Quality Management District (SCAQMD), and the American Society for Testing and Materials (ASTM), where specifically cited. These materials are incorporated in their versions current as of January 1, 2004, unless otherwise indicated in §§~~736~~ 745 through ~~741~~ 752 and 799.

~~742.3~~ 753.3 Each part of §§~~742~~ 753 through ~~748~~ 759 shall be deemed severable, and in the event that any part is held to be invalid, the remainder shall continue in full force and effect.

~~743~~ 754 SOLVENT CLEANING – COLD CLEANING

~~743.1~~ 754.1 This section applies to all cold cleaning machines that process metal parts and contain more than one (1) liter of VOC. The provisions of this subsection shall not apply if the owner and operator of the cold cleaning machine demonstrates, and the District approves in writing, that compliance with this section will result in unsafe operating conditions:

(a) Immersion cold cleaning machines shall have a freeboard ratio of 0.75 or greater, unless the machines are equipped with covers that are kept closed, except when parts are being placed into or are being removed from the machine;

(b) Immersion cold cleaning machines and remote reservoir cold cleaning machines shall:

(1) Have a permanent, conspicuous label summarizing the operating requirements in paragraph (c) of this section; and

(2) Be equipped with a cover that shall be closed at all times except during cleaning of parts or the addition or removal of solvent. For remote reservoir cold cleaning machines that drain directly into the solvent storage reservoir, a perforated drain with a diameter of not more than six (6) inches shall constitute an acceptable cover;

(c) Cold cleaning machines shall be operated in accordance with the following procedures:

(1) Waste solvent shall be collected and stored in closed containers. The closed containers may contain a device that allows pressure relief, but does not allow liquid solvent to drain from the container;

(2) Cleaned parts shall be drained at least fifteen (15) seconds or until dripping ceases, whichever is longer;

(A) Parts having cavities or blind holes shall be tipped or rotated while the part is draining; and

(B) During the draining, tipping or rotating, the parts shall be positioned so that solvent drains directly back to the cold cleaning machine;

(3) Flushing of parts using a flexible hose or other flushing device shall be performed only within the freeboard area of the cold cleaning machine. The solvent spray shall be a solid fluid stream, not an atomized or shower spray, at a pressure that does not exceed ten (10) pounds per square inch gauge (psig);

(4) The owner or operator shall ensure that when the cover is open, the cold cleaning machine is not exposed to drafts greater than forty (40) meters per minute (132 feet per minute), as measured between one (1) and two (2) meters (3.3 and 6.6 feet) upwind, and at the same elevation as the tank lip;

(5) Sponges, fabric, wood, leather, paper products and other absorbent materials shall not be cleaned in the cold cleaning machine;

(6) When a pump-agitated solvent bath is used, the agitator shall be operated to produce a rolling motion of the solvent with no observable splashing of the solvent against the tank walls or the parts being cleaned. Air agitated solvent baths may not be used;

(7) Spills during solvent transfer and use of the cold cleaning machine shall be cleaned up immediately, and the wipe rags or other absorbent materials shall be immediately stored in covered containers for disposal or recycling;

(8) Work area fans shall be located and positioned so that they do not blow across the opening of the degreaser unit; and

(9) The owner or operator shall ensure that the solvent level does not exceed the fill line;

(d) Any solvent for use in a cold cleaning machine shall not have a vapor pressure of 1.0 millimeters of mercury (mm of Hg) or greater, measured at twenty degrees Celsius (20°C) containing volatile organic compounds;

(e) A person who sells or offers for sale any solvent containing volatile organic compounds for use in a cold cleaning machine shall provide the following written information to the purchaser:

(1) The name and address of the solvent supplier;

(2) The type of solvent including the product or vendor identification number; and

(3) The vapor pressure of the solvent measured in millimeters of mercury (mm Hg) at twenty degrees Celsius (20°C); and

(f) A person who operates a cold cleaning machine shall maintain for not less than two (2) years and shall provide to the Department, on request, the information specified in paragraph (e) or, an invoice, bill of sale, certificate that corresponds to a number of sales, Material Safety Data Sheet (MSDS), or other appropriate documentation acceptable to the Department that may be used to comply with this section.

~~744~~ 755 SOLVENT CLEANING – BATCH VAPOR CLEANING

~~744.1~~ 755.1 This section applies to batch vapor cleaning machines that process metal parts.

(a) Batch vapor cleaning machines shall be equipped with:

(1) Either a fully enclosed design, or a working and downtime mode cover that completely covers the cleaning machine openings when in place, is free of cracks, holes and other defects, and can be readily opened or closed without disturbing the vapor zone;

(A) If the solvent cleaning machine opening is greater than ten (10) square feet, the cover must be powered; and

(B) If a lip exhaust is used, the closed cover shall be below the level of the lip exhaust;

(2) Sides that result in a freeboard ratio greater than or equal to 0.75;

(3) A safety switch (thermostat and condenser flow switch) which shuts off the sump heat if the coolant is not circulating;

(4) A vapor up control switch which shuts off the spray pump if vapor is not present;

(5) An automated parts handling system which moves the parts or parts baskets at a speed of eleven (11) feet (3.4 meters) per minute or less when the parts are entering or exiting the vapor zone. If the parts basket or parts being cleaned occupy more than fifty percent (50%) of the solvent/air interface area, the speed of the parts basket or parts shall not exceed three (3) feet per minute;

(6) A device that shuts off the sump heat if the sump liquid solvent level drops to the sump heater coils;

(7) A vapor level control device that shuts off the sump heat if the vapor level in the vapor cleaning machine rises above the height of the primary condenser;

(8) ~~Each vapor cleaning machine shall have a~~ A primary condenser;

(9) ~~Each~~ A vapor cleaning machine that uses a lip exhaust shall be designed and operated to route all collected solvent vapors through a properly operated and maintained carbon adsorber such that the concentration of organic solvent in the exhaust does not exceed one hundred (100) parts per million (ppm); and

(10) A permanent, conspicuous label summarizing the operating requirements found in paragraph (d) of this section;

(b) In addition to the requirements in paragraph (a) of this section, the operator of a batch vapor cleaning machine with a solvent/air interface area of thirteen (13) square feet or less shall use one of the following devices or strategies:

(1) A working mode cover, freeboard ratio of 1.0, and superheated vapor;

(2) A freeboard refrigeration device operated to ensure that the chilled air blanket temperature is no greater than thirty percent (30%) of the solvent's boiling point and superheated vapor;

(3) A working mode cover and a freeboard refrigeration device operated to ensure that the chilled air blanket temperature is no greater than thirty percent (30%) of the solvent's boiling point;

(4) Reduced room draft, freeboard ratio of 1.0, and superheated vapor;

(5) A freeboard refrigeration device operated to ensure that the chilled air blanket temperature is no greater than thirty percent (30%) of the solvent's boiling point and reduced room draft;

(6) A freeboard refrigeration device operated to ensure that the chilled air blanket temperature is no greater than thirty percent (30%) of the solvent's boiling point and a freeboard ratio of 1.0;

(7) A freeboard refrigeration device operated to ensure that the chilled air blanket temperature is no greater than thirty percent (30%) of the solvent's boiling point and dwell. Dwell shall be not less than thirty-five percent (35%) of the dwell time determined for the part or parts;

(8) Reduced room draft, dwell, and a freeboard ratio of 1.0;

(9) A freeboard refrigeration device operated to ensure that the chilled air blanket temperature is no greater than thirty percent (30%) of the solvent's boiling point and a carbon adsorber which reduces solvent emissions in the exhaust to a level not to exceed one hundred (100) ppm at any time; and

(10) A freeboard ratio of 1.0, superheated vapor, and a carbon adsorber which reduces solvent emissions in the exhaust to a level not to exceed one hundred (100) ppm at any time;

(c) In addition to the requirements of paragraph (a) of this section, the operator of a batch vapor cleaning machine with a solvent/air interface area of greater than thirteen (13) square feet shall use one of the following devices or strategies:

(1) A freeboard refrigeration device operated to ensure that the chilled air blanket temperature is no greater than thirty percent (30%) of the solvent's boiling point, a freeboard ratio of 1.0, and superheated vapor;

(2) Dwell and a freeboard refrigeration device operated to ensure that the chilled air blanket temperature is no greater than thirty percent (30%) of the solvent's boiling point, and reduced room draft. Dwell shall be not less than thirty-five percent (35%) of the dwell time determined for the part or parts;

(3) A working mode cover and a freeboard refrigeration device operated to ensure that the chilled air blanket temperature is no greater than thirty percent (30%) of the solvent's boiling point and superheated vapor;

(4) Reduced room draft, freeboard ratio of 1.0, and superheated vapor;

(5) A freeboard refrigeration device operated to ensure that the chilled air blanket temperature is no greater than thirty percent (30%) of the solvent's boiling point, reduced room draft, and superheated vapor;

(6) A freeboard refrigeration device operated to ensure that the chilled air blanket temperature is no greater than thirty percent (30%) of the solvent's boiling point, reduced room draft, and a freeboard ratio of 1.0; or

(7) A freeboard refrigeration device operated to ensure that the chilled air blanket temperature is no greater than thirty percent (30%) of the solvent's boiling point, superheated vapor, and a carbon adsorber which reduces solvent emissions in the exhaust to a level not to exceed one hundred (100) ppm at any time; and

(d) Batch vapor cleaning machines shall be operated in accordance with the following procedures:

(1) Waste solvent, still bottoms and sump bottoms shall be collected and stored in closed containers. The closed containers may contain a device that allows pressure relief but does not allow liquid solvent to drain from the container;

(2) Cleaned parts shall be drained at least fifteen (15) seconds or until dripping ceases, whichever is longer;

(A) Parts having cavities or blind holes shall be tipped or rotated while the part is draining; and

(B) A superheated vapor system shall be an acceptable alternate technology;

(3) Parts baskets or parts shall not be removed from the batch vapor cleaning machine until dripping has ceased;

(4) Flushing or spraying of parts using a flexible hose or other flushing device shall be performed within the vapor zone of the batch vapor cleaning machine or within a section of the machine that is not exposed to the ambient air. The solvent spray shall be a solid fluid stream, not an atomized or shower spray;

(5) When the cover is open, the batch vapor cleaning machine shall not be exposed to drafts greater than forty (40) meters per minute (132 feet per minute), as measured between one (1) and two (2) meters (3.3 and 6.6 feet) upwind and at the same elevation as the tank lip;

(6) Sponges, fabric, wood, leather, paper products and other absorbent materials shall not be cleaned in the batch vapor cleaning machine;

(7) Spills during solvent transfer and use of the batch vapor cleaning machine shall be cleaned up immediately or the machine shall be shut down. Wipe rags or other absorbent materials shall be immediately stored in covered containers for disposal or recycling;

(8) Work area fans shall be located and positioned so that they do not blow across the opening of the batch vapor cleaning machine;

(9) During startup of the batch vapor cleaning machine the primary condenser shall be turned on before the sump heater;

(10) During shutdown of the batch vapor cleaning machine, the sump heater shall be turned off and the solvent vapor layer allowed to collapse before the primary condenser is turned off;

(11) When solvent is added to or drained from the batch vapor cleaning machine, the solvent shall be transferred using threaded or other leak proof couplings and the end of the pipe in the solvent sump shall be located beneath the liquid solvent surface;

(12) The working and downtime covers shall be closed at all times except during parts entry and exit from the machine, during maintenance of the machine when the solvent has been removed, and during addition of solvent to the machine; and

(13) If a lip exhaust is used on the open top vapor degreaser, the ventilation rate shall not exceed twenty (20) $m^3/min/m^2$ (65 $ft^3/min/ft^2$) of degreaser open area, unless a higher rate is necessary to meet federal Occupational Safety & Health Administration (OSHA) requirements.

~~745~~ 756 **SOLVENT CLEANING – IN-LINE VAPOR CLEANING**

~~745.1~~ 756.1 This section applies to in-line vapor cleaning machines.

(a) In-line vapor cleaning machines shall be equipped with:

(1) Either a fully enclosed design, or a working and downtime mode cover that completely covers the cleaning machine openings when in place, is free of cracks, holes and other defects, and can be readily opened or closed without disturbing the vapor zone;

(2) A safety switch (thermostat and condenser flow switch) that shuts off the sump heat if the coolant is not circulating;

(3) Sides that result in a freeboard ratio greater than or equal to 0.75;

(4) A vapor up control switch;

(5) An automated parts handling system that moves the parts or parts baskets at a speed of eleven (11) feet (3.4 meters) per minute or less when the parts are entering or exiting the vapor zone. If the parts basket or parts being cleaned occupy more than fifty percent (50%) of the solvent/air interface area, the speed of the parts basket or parts shall not exceed three (3) feet per minute;

(6) A device that shuts off the sump heat if the sump liquid solvent level drops to the sump heater coils;

(7) A vapor level control device that shuts off the sump heat if the vapor level in the vapor cleaning machine rises above the height of the primary condenser;

(8) A permanent, conspicuous label summarizing the operating requirements in §~~745.1~~ 756.1(c);

(9) A primary condenser; and

(10) Each machine that uses a lip exhaust shall be designed and operated to route all collected solvent vapors through a properly operated and maintained carbon adsorber such that the concentration of organic solvent in the exhaust does not exceed one hundred (100) parts per million (ppm);

(b) In addition to the requirements in paragraph (a) of this section, the operator of an in-line vapor cleaning machine shall use one of the following devices or strategies:

(1) A freeboard ratio of 1.0 and superheated vapor;

(2) A freeboard refrigeration device operated to ensure that the chilled air blanket temperature is no greater than thirty percent (30%) of the solvent's boiling point and a freeboard ratio of 1.0;

(3) Dwell and a freeboard refrigeration device operated to ensure that the chilled air blanket temperature is no greater than thirty percent (30%) of the solvent's boiling point.

Dwell shall be not less than thirty-five percent (35%) of the dwell time determined for the part or parts; or

(4) Dwell and a carbon adsorber which reduces solvent emissions in the exhaust to a level not to exceed one hundred (100) ppm at any time. Dwell shall be not less than thirty-five percent (35%) of the dwell time determined for the part or parts; and

(c) In-line vapor cleaning machines shall be operated in accordance with the following procedures:

(1) Waste solvent, still bottoms, and sump bottoms shall be collected and stored in closed containers. The closed containers may contain a device that allows pressure relief, but does not allow liquid solvent to drain from the container;

(2) Parts shall be oriented so that the solvent drains freely from the parts;

(A) Cleaned parts shall be drained at least fifteen (15) seconds or until dripping ceases, whichever is longer; and

(B) Parts having cavities or blind holes shall be tipped or rotated while the part is draining;

(3) Parts baskets or parts shall not be removed from the in-line vapor cleaning machine until dripping has ceased;

(4) Flushing or spraying of parts using a flexible hose or other flushing device shall be performed within the vapor zone of the in-line vapor cleaning machine or within a section of the machine that is not exposed to the ambient air. The solvent spray shall be a solid fluid stream, not an atomized or shower spray;

(5) Sponges, fabric, wood, leather, paper products and other absorbent materials shall not be cleaned in the in-line vapor cleaning machine;

(6) Spills during solvent transfer and use of the in-line vapor cleaning machine shall be cleaned up immediately, and the wipe rags or other absorbent materials shall be immediately stored in covered containers for disposal or recycling;

(7) Workplace fans shall not be used near the degreaser opening unless a higher rate is necessary to meet federal Occupational Safety & Health Administration (OSHA) requirements;

(8) During startup of the in-line vapor cleaning machine the primary condenser shall be turned on before the sump heater;

(9) During shutdown of the in-line vapor cleaning machine, the sump heater shall be turned off and the solvent vapor layer allowed to collapse before the primary condenser is turned off;

(10) Spraying operations shall be done in the vapor zone or within a section of the machine that is not exposed to the ambient air;

(11) When solvent is added to or drained from the in-line vapor cleaning machine, the solvent shall be transferred using threaded or other leak proof couplings and the end of the pipe in the solvent sump shall be located beneath the liquid solvent surface; and

(12) Openings shall be minimized during operations ~~Minimize openings during operation~~ so that entrances and exits silhouette workloads with an average clearance between the parts and the edge of the degreaser opening of less than ten (10) cm (4 in) or less than ten percent (10%) of the width of the opening.

~~746~~ 757 SOLVENT CLEANING – AIRLESS AND AIR-TIGHT CLEANING

~~746.1~~ 757.1 This section applies to airless cleaning machines and air-tight cleaning machines that process metal parts.

(a) The operator of each machine shall maintain a log of solvent additions and deletions for each machine including the weight of solvent contained in activated carbon or other absorbent materials used to control emissions from the cleaning machine;

(b) The operator of each machine shall demonstrate that the emissions from each machine, on a three (3) month rolling average, are equal to or less than the allowable limit determined by the use of Table I

in this section or the following equation if the volume of the cleaning machine exceeds 2.95 cubic meters:

$EL = 330\ (vol)^{0.6}$

where:

EL = the three-month rolling average monthly emission limit (kilograms/month);
vol = the cleaning capacity of machine (cubic meters);

Table I. Emission Limits for Cleaning Machines without a Solvent/Air Interface

Cleaning Capacity (m^3)	3-Month rolling average monthly emission limit (kilograms/month)	Cleaning capacity (m^3)	3-Month rolling average monthly emission limit (kilograms/month)	Cleaning capacity (m^3)	3-Month rolling average monthly emission limit (kilograms/month)
0.00	0	1.00	330	2.00	500
0.05	55	1.05	340	2.05	508
0.10	83	1.10	349	2.10	515
0.15	106	1.15	359	2.15	522
0.20	126	1.20	368	2.20	530
0.25	144	1.25	377	2.25	537
0.30	160	1.30	386	2.30	544
0.35	176	1.35	395	2.35	551
0.40	190	1.40	404	2.40	558
0.45	204	1.45	412	2.45	565
0.50	218	1.50	421	2.50	572
0.55	231	1.55	429	2.55	579
0.60	243	1.60	438	2.60	585
0.65	255	1.65	446	2.65	592
0.70	266	1.70	454	2.70	599
0.75	278	1.75	462	2.75	605

Cleaning Capacity (m^3)	3-Month rolling average monthly emission limit (kilograms/month)	Cleaning capacity (m^3)	3-Month rolling average monthly emission limit (kilograms/month)	Cleaning capacity (m^3)	3-Month rolling average monthly emission limit (kilograms/month)
0.80	289	1.80	470	2.80	612
0.85	299	1.85	477	2.85	619
0.90	310	1.90	485	2.90	625
0.95	320	1.95	493	2.95	632

(c) The operator of each machine shall operate the machine in conformance with the manufacturer's instructions and good air pollution control practices;

(d) The operator of each machine equipped with a solvent adsorber shall measure and record the concentration of solvent in the exhaust of the carbon adsorber weekly with a colorimetric detector tube designed to measure a concentration of one hundred (100) parts per million (ppm) by volume of solvent to air at an accuracy of plus or minus twenty-five (25) ppm by volume. This test shall be conducted while the solvent cleaning machine is in the working mode and is venting to the adsorber;

(e) The operator of each machine equipped with a solvent adsorber shall maintain and operate the machine and adsorber system so that emissions from the adsorber exhaust do not exceed one hundred (100) ppm by volume measured while the solvent cleaning machine is in the working mode and is venting to the adsorber;

(f) The machine shall be equipped with a permanent, conspicuous label summarizing the operating requirements in paragraph (g) of this section;

(g) Airless cleaning machines and air-tight cleaning machines shall be operated in accordance with the following procedures:

(1) Waste solvent, still bottoms, and sump bottoms shall be collected and stored in closed containers. The closed containers may contain a device that allows pressure relief, but does not allow liquid solvent to drain from the container;

(2) Parts shall be oriented so that the solvent drains freely from the parts;

(A) Cleaned parts shall be drained at least fifteen (15) seconds or until dripping ceases, whichever is longer; and

(B) Parts having cavities or blind holes shall be tipped or rotated while the part is draining;

(3) Parts baskets or parts shall not be removed from the in-line vapor cleaning machine until dripping has ceased;

(4) Sponges, fabric, wood, leather, paper products and other absorbent materials shall not be cleaned in the airless cleaning machines and air-tight cleaning machines;

(5) Spills during solvent transfer and use of the airless cleaning machines and air-tight cleaning machines shall be cleaned up immediately, and the wipe rags or other absorbent materials shall be immediately stored in covered containers for disposal or recycling;

(6) Work area fans shall be located and positioned so that they do not blow across the airless cleaning machine and air-tight cleaning machine;

(7) Spraying operations shall be done in the vapor zone or within a section of the machine that is not exposed to the ambient air; and

(8) Solvents shall be transferred using threaded or other leak proof couplings and the end of the pipe in the solvent sump shall be located beneath the liquid solvent surface when solvent is added to or drained from the airless cleaning machine and air-tight cleaning machine.

~~747~~ 758 **SOLVENT CLEANING – ALTERNATIVE COMPLIANCE**

~~747.1~~ 758.1 As an alternative to complying with the provisions of §§~~743~~ 754 through ~~746~~ 757, the operator of a solvent cleaning machine may demonstrate compliance with paragraphs (a) or (b) in this section. The operator shall maintain records sufficient to demonstrate compliance. The records shall include, at a minimum, the quantity of solvent added to and removed from

the solvent cleaning machine, the dates of the addition and removal and shall be maintained for not less than two (2) years;

(a) If the cleaning machine has a solvent/air interface, the owner or operator shall:

(1) Maintain a log of solvent additions and deletions for each solvent cleaning machine; and

(2) Ensure that emissions from each solvent cleaning machine are equal to or less than the applicable emission limit presented in Table II of this section;

Table II. Emission limits for Batch Vapor and In-Line Solvent Cleaning Machines with a Solvent/Air Interface

Solvent Cleaning Machine	**Three (3) Month Rolling Average Monthly Emission Limit:**	
	(kg/m^2/month)	(lb/ft^2/month)
Solvent cleaning machines Batch vapor	150	30.7
Existing in-line solvent cleaning machines	153	31.3
New in-line solvent cleaning machines	99	20.2

(b) If the cleaning machine is a batch vapor cleaning machine and does not have a solvent/air interface, the owner or operator shall:

(1) Maintain a log of solvent additions and deletions for each solvent cleaning machine; and

(2) Ensure that the emissions from each solvent cleaning machine are equal to or less than the appropriate limits as described in paragraphs (c) and (d) of this section. Each owner or operator of a batch vapor or in-line cleaning machine shall demonstrate compliance with the applicable three (3) month rolling average monthly emission limit on a monthly basis;

(c) For cleaning machines with a cleaning capacity that is less than or equal to 2.95 cubic meters, the emission limit shall be determined using Table I in §~~746~~ 757 or the equation in paragraph (d) of this section. If the table is used, and the cleaning capacity of the

cleaning machine falls between two cleaning capacity sizes, then the lower of the two emission limits applies;

(d) For cleaning machines with a cleaning capacity that is greater than 2.95 cubic meters, the emission limit shall be determined using the following equation;

$$EL = 330\ (vol)^{0.6}$$

where:

EL = the 3-month rolling average monthly emission limit (kilograms/month);
vol = the cleaning capacity of machine (cubic meters);

(e) Each owner or operator of a batch vapor or in-line solvent cleaning machine shall demonstrate compliance with the applicable three (3) month rolling average monthly emission limit on a monthly basis. If the applicable three (3) month rolling average emission limit is not met, an exceedance has occurred. All exceedances shall be reported to the District within thirty (30) days of the determination of the exceedance; and

(f) The owner or operator of a batch vapor or in-line solvent cleaning machine shall maintain records and determine compliance in accordance with the following;

(1) On the first operating day of every month ensure that the solvent cleaning machine system contains only clean liquid solvent;

(A) This includes, but is not limited to, fresh unused solvent, recycled solvent and used solvent that has been cleaned of soils;

(B) A fill line must be indicated during the first month the measurements are made;

(C) The solvent level within the machine must be returned to the same fill-line each month, immediately prior to calculating monthly emissions; and

(D) The solvent cleaning machine does not have to be emptied and filled with fresh unused solvent prior to the calculations;

(2) Using the records of all solvent additions and deletions for the previous monthly reporting period, determine solvent emissions using one of the following equations:

(A) For cleaning machines with a solvent/air interface:

$$E = \frac{SA - LSR - SSR}{AREA}$$

where:

E = the total halogenated HAP solvent emissions from the solvent cleaning machine during the most recent monthly reporting period (kilograms of solvent per square meter of solvent/air interface area per month);

SA = the total amount of halogenated HAP liquid solvent added to the solvent cleaning machine during the most recent monthly reporting period (kilograms of solvent per month);

LSR = the total amount of halogenated HAP liquid solvent removed from the solvent cleaning machine during the most recent monthly reporting period (kilograms of solvent per month);

SSR = the total amount of halogenated HAP solvent removed from the solvent cleaning machine in solid waste during the most recent monthly reporting period (kilograms of solvent per month) determined from tests conducted using EPA reference method 25d or by engineering calculations included in the compliance report;

Area = the solvent/air interface area of the solvent cleaning machine (square meters); or

(B) For cleaning machines without a solvent/air interface:

E = SA-LSR-SSR

where:

E = the total halogenated HAP solvent emissions from the solvent cleaning machine during the most recent monthly reporting period (kilograms of solvent per month);

SA = the total amount of halogenated HAP liquid solvent added to the solvent cleaning machine during the most recent monthly reporting period (kilograms of solvent per month);

LSR = the total amount of halogenated HAP liquid solvent removed from the solvent cleaning machine during the most recent monthly reporting period (kilograms of solvent per month);

SSR = the total amount of halogenated HAP solvent removed from the solvent cleaning machine in solid waste during the most recent monthly reporting period (kilograms of solvent per month) determined from tests conducted using EPA reference method 25d (40 C.F.R. 60) or by engineering calculations included in the compliance report; and

(3) Determine the monthly rolling average, EA, for the 3-month period ending with the most recent reporting period using one of the following equations:

(A) For cleaning machines with a solvent/air interface:

$$EA = \frac{\sum_{j=1}^{3} E}{3}$$

where:

EA = the average halogenated HAP solvent emissions over the preceding three (3) monthly reporting periods, (kilograms of solvent per square meter of solvent/air interface area per month);

E = halogenated HAP solvent emissions for each month (j) for the most recent three (3) monthly reporting periods (kilograms of

solvent per square meter of solvent/air interface area);
j=1 = the most recent monthly reporting period;
j=2 = the monthly reporting period immediately prior to j=1;
j=3 = the monthly reporting period immediately prior to j=2; or

(B) For cleaning machines without a solvent/air interface:

$$EA = \frac{\sum_{j=1}^{3} E}{3}$$

where:

EA = the average halogenated HAP solvent emissions over the preceding three (3) monthly reporting periods (kilograms of solvent per month);
E = halogenated HAP solvent emissions for each month (j) for the most recent three (3) monthly reporting periods (kilograms of solvent per month);
j=1 = the most recent monthly reporting period;
j=2 = the monthly reporting period immediately prior to j=1;
j=3 = the monthly reporting period immediately prior to j=2.

~~748~~ 759 **SOLVENT CLEANING – RECORDKEEPING AND MONITORING**

~~748.1~~ 759.1 The operator of a solvent cleaning machine subject to §§~~743~~ 754 through ~~746~~ 757 shall conduct monitoring and record keeping as follows:

(a) If a freeboard refrigeration device is used to comply with these standards, the owner or operator shall use a thermometer or thermocouple to measure the temperature at the center of the air blanket during the idling mode. Measurements and recordings shall be made weekly;

(b) If a superheated vapor system is used to comply with these standards, the owner or operator shall use a thermometer or thermocouple to measure the temperature at the center of the

superheated solvent vapor zone while the solvent cleaning machine is in the idling mode. Measurements and recordings shall be made weekly;

(c) If a cover (working-mode, downtime-mode, and/or idling-mode cover) is used to comply with these standards, the owner or operator shall conduct a visual inspection to determine if the cover is opening and closing properly, completely covers the cleaning machine openings when closed, and is free of cracks, holes, and other defects. Observations and recordings shall be made weekly;

(d) If dwell is used, the owner or operator shall determine the actual dwell time by measuring the period of time that parts are held within the freeboard area of the solvent cleaning machine after cleaning. Observations and recordings shall be made monthly;

(e) The owner or operator shall determine the hoist speed by measuring the time it takes for the hoist to travel a measured distance. The speed is equal to the distance in meters divided by the time in minutes (meters per minute). Measurements and recordings shall be made monthly;

(f) The owner or operator of a batch vapor or in-line solvent cleaning machine complying using reduced room draft, maintained by controlling room parameters including but not limited to redirecting fans, and closing doors and windows, shall conduct monitoring and record the results as follows:

(1) Initially measure the wind speed within six (6) inches above the top of the freeboard area of the solvent cleaning machine in accordance with the following:

(A) Determine the direction of the wind current by slowly rotating a velometer or similar device until the maximum speed is located;

(B) Orient a velometer in the direction of the wind current at each of the four corners of the machine;

(C) Record the reading for each corner; and

(D) Average the values obtained at each corner and record the average wind speed;

(2) Record the room parameters established during the initial compliance test to achieve the reduced room draft;

(3) Quarterly monitor the wind speed in accordance with subparagraph (f)(1) of this section; and

(4) Weekly monitor the room parameters as specified in this section;

(g) If an enclosure, full or partial, is used to achieve reduced room draft, the owner or operator shall conduct an initial monitoring test and, thereafter, monthly monitoring tests of the wind speed within the enclosure by slowly rotating a velometer inside the entrance to the enclosure until the maximum speed is located and record the maximum wind speed. The owner or operator shall also conduct a monthly visual inspection of the enclosure to determine if it is free of cracks, holes and other defects; and

(h) If a carbon adsorber is used to comply with these standards, the owner or operator shall measure and record the concentration of halogenated HAP solvent in the exhaust of the carbon adsorber weekly with a colorimetric detector tube;

(1) This test shall be conducted while the solvent cleaning machine is in the working mode and is venting to the carbon adsorber;

(2) The exhaust concentration shall be determined using a colorimetric detector tube designed to measure a concentration of one hundred (100) parts per million by volume of solvent in air to an accuracy of plus or minus twenty–five (25) parts per million (ppm) by volume; and

(3) The concentration shall be determined through a sampling port for monitoring within the exhaust outlet that is easily accessible and located at least eight (8) stack or duct diameters downstream and two (2) stack or duct diameters upstream from any flow disturbance such as a bend, expansion, contraction, or outlet; downstream from no other inlet.

~~749~~ 760 ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATING – GENERAL REQUIREMENTS

~~749.1~~ 760.1 Sections ~~749~~ 760 through ~~754~~ 765 apply to any person who supplies, sells, offers for sale, manufactures, applies or solicits the application of any

architectural coating on or after January 1, 2005 within the District of Columbia, except as provided in §~~751~~ 762.

~~749.2~~ 760.2 For purposes of §§~~749~~ 760 through ~~754~~ 765 and of any definitions in §799 applicable to §§~~749~~ 760 through ~~754~~ 765 the District incorporates by reference rules and test methods from the United States Environmental Protection Agency (U.S. EPA), the Code of Federal Regulations (CFR), the California Air Resource Board (CARB), the South Coast Air Quality Management District (SCAQMD), the Bay Area Air Quality Management District (BAAQMD), and the American Society for Testing and Materials (ASTM), where specifically cited. These materials are incorporated in their versions current as of January 1, 2004, unless otherwise indicated in §§~~749~~ 760 through ~~754~~ 765 and 799.

~~749.3~~ 760.3 Each part of §§~~749~~ 760 through ~~754~~ 765 shall be deemed severable, and in the event that any part is held to be invalid, the remainder shall continue in full force and effect.

~~750~~ 761 ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATING – STANDARDS

~~750.1~~ 761.1 No person shall manufacture, blend, supply, sell, offer for sale, apply or solicit the application of any architectural coating with a VOC content in excess of the corresponding limit specified in Table I of this section, except as provided in subsections ~~750.2~~ 761.2, ~~750.3~~ 761.3, ~~750.8~~ 761.8, and ~~750.10~~ 761.10.

~~750.2~~ 761.2 The most restrictive VOC content limit shall apply if anywhere on the container of any architectural coating, or any label or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by a manufacturer or anyone acting on their behalf, any representation is made that indicates that the coating meets the definition of or is recommended for use for more than one of the coating categories listed in Table I of this section. This provision does not apply to the following coating categories:

(a) Lacquer coatings (including lacquer sanding sealers);

(b) Metallic pigmented coatings;

(c) Shellacs;

(d) Fire-retardant coatings;

(e) Pretreatment wash primers;

(f) Industrial maintenance coatings;

(g) Low-solids coatings;

(h) Wood preservatives;

(i) High-temperature coatings;

(j) Temperature-indicator safety coatings;

(k) Antenna coatings;

(l) Antifouling coatings;

(m) Flow coatings;

(n) Bituminous roof primers;

(o) Specialty primers, sealers, and undercoaters;

(p) Thermoplastic rubber coating and mastic;

(q) Calcimine recoaters;

(r) Impacted immersion coatings;

(s) Nuclear coatings; and

(t) Concrete surface retarders.

~~750.3~~ 761.3 A coating manufactured prior to the effective date specified for that coating in Table I of this section, may be sold, supplied, or offered for sale after the specified effective date. In addition, a coating manufactured before the effective date specified for that coating in Table I of this section may be applied at any time, both before and after the specified effective date, so long as the coating complied with the standards in effect at the time the coating was manufactured. This subsection does not apply to any coating that does not display the date or date code required by §~~752.1~~ 763.1(a).

~~750.4~~ 761.4 All architectural coating containers used to apply the contents therein to a surface directly from the container by pouring, siphoning, brushing, rolling, padding, ragging, or other means, shall be closed when not in use;

(a) These architectural coatings containers include, but are not limited to, drums, buckets, cans, pails, trays, or other application containers; and

(b) Containers of any VOC-containing materials used for thinning and cleanup shall also be closed when not in use.

~~750.5~~ 761.5 No person who applies or solicits the application of any architectural coating shall apply a coating that is thinned to exceed the applicable VOC limit specified in Table I of this section.

~~750.6~~ 761.6 No person shall apply or solicit the application of any rust preventive coating for industrial use, unless such a rust preventive coating complies with the industrial maintenance coating VOC limit specified in Table I of this section.

~~750.7~~ 761.7 For any coating that does not meet any of the definitions for the specialty coatings categories listed in Table I of this section, the VOC content limit shall be determined by classifying the coating as a flat coating or a non-flat coating, based on its gloss, as defined in §799, and the corresponding flat or non-flat coating limit shall apply.

~~750.8~~ 761.8 A manufacturer, seller, or user may petition the Department to apply an industrial maintenance coating with a VOC content greater than 340 g/l if all of the following conditions are met:

(a) The industrial maintenance coating is applied outside the ozone season, normally May through September every year;

(b) The petition submitted to the Department shall contain the following information, as applicable: job requirements and descriptions, volume of coating, maximum VOC content, and a certification that a complying coating meeting the job performance requirements is not available; and

(c) If the Department grants written approval, such approval shall contain volume and VOC limit conditions. Until written approval is granted by the Department and received by the petitioner, all provisions of this rule shall apply.

~~750.9~~ 761.9 The Department shall not approve any petition under §~~750.8~~ 761.8 if the approvals previously granted by the Department during the calendar year, when combined with the petition under consideration, would result in excess VOC emissions for that calendar year which would be greater than five percent (5%) of the annual emission reduction achieved within the District of Columbia from implementing the January 1, 2005 VOC limit

for industrial maintenance coatings. Coatings subject to this provision shall be sold only if an approved petition (or a copy of it) is provided prior to the sale. Coatings subject to this provision shall not be available to the general public.

~~750.10~~ 761.10 Notwithstanding the provisions of §~~750.1~~ 761.1, a person or facility may add up to ten percent (10%) by volume of VOC to a lacquer to avoid blushing of the finish during days with relative humidity greater than seventy percent (70%) and temperature below sixty-five degrees Fahrenheit (65°F)~~,~~ at the time of application, provided that the coating contains acetone and no more than five hundred fifty (550) grams of VOC per liter of coating, less water and exempt compounds, prior to the addition of VOC.

Table I. VOC Content Limits for Architectural Coatings.[1]

Coating Category	**VOC Content Limit** (Grams VOC per liter)[2]
Flat Coatings	100
Non-flat Coatings	150
Non-flat- High Gloss Coatings	250
Specialty Coatings	
Antenna Coatings	530
Antifouling Coatings	400
Bituminous Roof Coatings	300
Bituminous Roof Primers	350
Bond Breakers	350
Calcimine Recoater	475
Clear Wood Coatings	
• Clear Brushing Lacquers	680
• Lacquers (including lacquer sanding sealers)	550
• Sanding Sealers (other than lacquer sanding sealers)	350
• Varnishes	350
Concrete Curing Compounds	350
Concrete Surface Retarders	780
Conversion Varnish	725
Dry Fog Coatings	400
Faux Finishing Coatings	350

[1] Limits are expressed in grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, excluding the volume of any water, exempt compounds, or colorant added to tint bases. Manufacturer's maximum recommendation means the maximum recommendation for thinning that is indicated on the label or lid of the coating container.

[2] Conversion factor: one pound VOC per gallon (U.S.) = 119.95 grams per liter.

Fire-Resistive Coatings	350
Fire-Retardant Coatings	
• Clear	650
• Opaque	350
Floor Coatings	250
Flow Coatings	420
Form-Release Compounds	250
Graphic Arts Coatings (Sign Paints)	500
High-Temperature Coatings	420
Industrial Maintenance Coatings	340
Impacted Immersion Coatings	780
Low-Solids Coatings[3]	120
Magnesite Cement Coatings	450
Mastic Texture Coatings	300
Metallic Pigmented Coatings	500
Multi-Color Coatings	250
Nuclear Coatings	450
Pre-Treatment Wash Primers	420
Primers, Sealers, and Undercoaters	200
Quick-Dry Enamels	250
Quick-Dry Primers, Sealers and Undercoaters	200
Recycled Coatings	250
Roof Coatings	250
Rust Preventative Coatings	400
Shellacs	
• Clear	730
• Opaque	550
Specialty Primers, Sealers, and Undercoaters	350
Stains	250
Swimming Pool Coatings	340
Swimming Pool Repair and Maintenance Coatings	340
Temperature-Indicator Safety Coatings	550
Thermoplastic Rubber Coatings and Mastics	550
Traffic Marking Coatings	150
Waterproofing Sealers	250
Waterproofing Concrete/Masonry Sealers	400
Wood Preservatives	350

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[3] Units for this coating are grams of VOC per liter (pounds of VOC/gallon) of coating, including water and exempt compounds

~~751.1~~ 762.1 Sections ~~749~~ 760 through ~~754~~ 765 do not apply to:

(a) Any architectural coating that is sold or manufactured for use outside of the District of Columbia or for shipment to other manufacturers for reformulation or repackaging;

(b) Any aerosol coating product; or

(c) Any architectural coating that is sold in a container with a volume of one liter (1.057 quart) or less.

~~752~~ 763 ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATING – LABELING REQUIREMENT

~~752.1~~ 763.1 A manufacturer of any architectural coating shall list the following information on the coating container (or label) in which the coating is sold or distributed:

(a) The date the coating was manufactured, or a date code representing the date, shall be indicated on the label, lid, or bottom of the container. If the manufacturer uses a date code for any coating, the manufacturer shall file an explanation of each code with the Department;

(b) A statement of the manufacturer's recommendation regarding thinning of the coating shall be indicated on the label or lid of the container. This requirement does not apply to the thinning of architectural coatings with water. If thinning of the coating prior to use is not necessary, the recommendation must specify that the coating is to be applied without thinning;

(c) Either the maximum or the actual VOC content of the coating, as supplied, including the maximum thinning as recommended by the manufacturer;

(1) VOC content shall be displayed in grams of VOC per liter of coating; and

(2) VOC content displayed shall be calculated using product formulation data, or shall be determined using the test methods and equations in §~~754.1~~ 765.1(a), §~~754.1~~ 765.1(b) and§~~754.2~~ 765.2;

(d) In addition to the information specified in §~~752.1~~ 763.1(a), (b), and (c), each manufacturer of any industrial maintenance coating shall display on the label or the lid of the container in which the coating is sold or distributed one or more of the descriptions listed in subparagraphs (1) through (3):

(1) "For industrial use only";

(2) "For professional use only"; or

(3) "Not for residential use" or "Not intended for residential use";

(e) The labels of all clear brushing lacquers shall prominently display the statements "For brush application only", and "This product must not be thinned or sprayed";

(f) The labels of all rust preventive coatings shall prominently display the statement, "For Metal Substrates Only";

(g) The labels of all specialty primers, sealers, and undercoaters shall prominently display one or more of the descriptions listed in subparagraphs (1) through (5):

(1) For blocking stains;

(2) For fire-damaged substrates;

(3) For smoke-damaged substrates;

(4) For water-damaged substrates; or

(5) For excessively chalky substrates;

(h) The labels of all quick dry enamels shall prominently display the words "Quick Dry" and the dry hard time; and

(i) The labels of all non-flat, high-gloss coatings shall prominently display the words "High Gloss".

~~753~~ 764 ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATING – REPORTING REQUIREMENTS

~~753.1~~ 764.1 Any manufacturer of clear brushing lacquers shall, on or before April 1 of each calendar year beginning in the year 2005, submit an annual report to

the Department. The report shall specify the number of gallons of clear brushing lacquers sold in the District of Columbia during the preceding calendar year, and shall describe the method used by the manufacturer to calculate District of Columbia sales.

~~753.2~~ 764.2 Any manufacturer of rust preventive coatings shall, on or before April 1 of each calendar year beginning in the year 2005, submit an annual report to the Department. The report shall specify the number of gallons of rust preventive coatings sold in the District of Columbia during the preceding calendar year, and shall describe the method used by the manufacturer to calculate District of Columbia sales.

~~753.3~~ 764.3 Any manufacturer of specialty primers, sealers, and undercoaters shall, on or before April 1 of each calendar year beginning in the year 2005, submit an annual report to the Department. The report shall specify the number of gallons of specialty primers, sealers, and undercoaters sold in the District of Columbia during the preceding calendar year, and shall describe the method used by the manufacturer to calculate District of Columbia sales.

~~753.4~~ 764.4 Any manufacturer of architectural coating that contains perchloroethylene or methylene chloride shall, on or before April 1 of each calendar year beginning with the year 2005 report to the Department the following information for products sold in the District of Columbia during the preceding year:

(a) The product brand name and a copy of the product label with the legible usage instructions;

(b) The product category listed in Table I in §~~750~~ 761 to which the coating belongs;

(c) The total sales in the District during the calendar year to the nearest gallon; and

(d) The volume percent, to the nearest 0.10 percent, of perchloroethylene and methylene chloride in the coating.

~~753.5~~ 764.5 Any manufacturer of recycled coatings must submit a letter to the Department certifying their status as a recycled paint manufacturer. The manufacturer shall, on or before April 1 of each calendar year beginning with the year 2005, submit an annual report to the Department. The report shall include, for all recycled coatings, the total number of gallons distributed in the District of Columbia during the preceding year, and shall describe the method used by the manufacturer to calculate District of Columbia distribution.

~~753.6~~ 764.6 Any manufacturer of bituminous roof coatings or bituminous roof primers shall, on or before April 1 of each calendar year beginning with the year 2005, submit an annual report to the Department. The report shall specify the number of gallons of bituminous roof coatings or bituminous roof primers sold in the District of Columbia during the preceding calendar year, and shall describe the method used by the manufacturer to calculate District of Columbia sales.

~~754~~ 765 ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATING – TESTING REQUIREMENTS

~~754.1~~ 765.1 For the purpose of determining compliance with the VOC content limits in Table I in §~~750~~ 761, the VOC content of a coating shall be determined by using the procedures described below in paragraphs (a) or (b), as appropriate. The VOC content of a tint base shall be determined without colorant that is added after the tint base is manufactured as follows:

(a) With the exception of low solids coatings, determine the VOC content in grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, excluding the volume of any water and exempt compounds. Determine the VOC content using the following equation:

$$\text{VOC Content} = \frac{(Ws - Ww - Wec)}{(Vm - Vw - Vec)}$$

where~~:~~:

VOC content = grams of VOC per liter of coating;
Ws = weight of volatiles, in grams;
Ww = weight of water, in grams;
Wec = weight of exempt compounds, in grams;
Vm = volume of coating, in liters;
Vw = volume of water, in liters;
Vec = volume of exempt compounds, in liters; and

(b) For low solids coatings, determine the VOC content in units of grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, including the volume of any water and exempt compounds. Determine the VOC content using the following equation:

$$\text{VOC Content (ls)} = \frac{(Ws - Ww - Wec)}{(Vm)}$$

where~~,~~:

VOC Content (ls) = the VOC content of a low solids coating in grams per liter of coating;
Ws = weight of volatile, in grams;
Ww = weight of water, in grams;
Wec = weight of exempt compounds, in grams;
Vm = volume of coating, in liters.

~~754.2~~ 765.2 To determine the physical properties of a coating in order to perform the calculations in §~~754.1~~ 765.1, the reference method for VOC content is U.S. EPA Method 24, except as provided in §§~~754.3~~ 765.3 and ~~754.4~~ 765.4. An alternative method to determine the VOC content of coatings is SCAQMD Method 304-91 (Revised February 1996). The exempt compounds content shall be determined by SCAQMD Method 303-91 (Revised August 1996). To determine the VOC content of a coating, the manufacturer may use U.S. EPA Method 24, or an alternative method, as provided in §~~754.3~~ 765.3, formulation data, or any other reasonable means for predicting that the coating has been formulated as intended including but not limited to quality assurance checks and record keeping. However, if there are any inconsistencies between the results of a Method 24 test and any other means for determining VOC content, the Method 24 results will govern, except when an alternative method is approved as specified in §~~754.3~~ 765.3. The Department may require the manufacturer to conduct a Method 24 analysis.

~~754.3~~ 765.3 Alternative test methods may be used if they are demonstrated to provide results that are acceptable for purposes of determining compliance with §~~754.2~~ 765.2, and have been reviewed ~~after review~~ and approved in writing by the Department and the U.S. EPA~~, may also be used~~.

~~754.4~~ 765.4 Analysis of methacrylate multi-component coatings used as traffic marking coatings shall be conducted according to a modification of U.S. EPA Method 24 in 40 CFR 59, Subpart D, Appendix A. This method has not been approved for methacrylate multi-component coatings used for purposes other than traffic marking coatings or other classes of multi-component coatings~~;~~.

~~754.5~~ 765.5 The following test methods shall be used to test coatings subject to the provisions of this section:

(a) The flame spread index of a fire-retardant coating shall be determined by the ASTM Designation E 84-99, Standard Test Method for Surface Burning Characteristics of Building Materials, (see §799, fire-retardant coating);

(b) The fire-resistance rating of a fire-resistive coating shall be determined by ASTM designation E 119-98, Standard Test Methods for Fire Tests of Building Construction Materials, (see §799, fire-resistive coating);

(c) The gloss of a coating shall be determined by ASTM Designation D 523-89 (1999), Standard Test Method for Specular Gloss, (see §799, flat coating, non-flat coating, non-flat high gloss coating, and quick dry enamel);

(d) The metallic content of a coating shall be determined by SCAQMD Method 318-95, Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction, SCAQMD Laboratory Methods of Analysis for Enforcement Samples, (see §799, metallic pigmented coating);

(e) The acid content of a coating shall be determined by ASTM Designation D 1613-96, Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer and Related Products, (see §799, pre-treatment wash primer);

(f) The set-to-touch, dry-hard, dry-to-touch and dry-to-recoat times of a coating shall be determined by ASTM Designation D 1640-95, Standard Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature, (see §799, quick dry enamel and quick-dry primer, sealer, and undercoater). The tack free time of a quick-dry enamel coating shall be determined by the Mechanical Test Method of ASTM Designation D 1640-95;

(g) The chalkiness of a surface shall be determined using ASTM Designation D 4214-98, Standard Test Methods for Evaluating the Degree of Chalking of Exterior Paint Films, (see §799, specialty primer, sealer, and undercoater);

(h) The following compounds are exempt from the test methods above and shall be analyzed by the following alternative methods:

(1) Compounds that are cyclic, branched, or linear, completely methylated siloxanes, shall be analyzed as exempt compounds for compliance with ~~§754~~ 765 by BAAQMD Method 43, Determination of Volatile Methylsiloxanes in Solvent-Based Coatings, Inks, and Related Materials, BAAQMD Manual of Procedures, Volume III, adopted November 6, 1996, (see §799, volatile organic compound, and ~~§754.2~~ 765.2);

(2) Parachlorobenzotrifluoride shall be analyzed as an exempt compound for compliance with §~~754~~ 765 by BAAQMD Method 41, Determination of Volatile Organic Compounds in Solvent-Based Coatings and Related Materials Containing Parachlorobenzotrifluoride, BAAQMD Manual of Procedures, Volume III, adopted December 20, 1995, (see §799, volatile organic compound, and §~~754.2~~ 765.2); and

(3) Compounds exempt under U.S. EPA Method 24, which shall be analyzed by SCAQMD Method 303-91 Revised 1993), Determination of Exempt Compounds, SCAQMD Laboratory Methods of Analysis for Enforcement Samples, (see §799, volatile organic compound, and §~~754.2~~ 765.2);

(i) The VOC content of a coating shall be determined by U.S. EPA Method 24 as it exists in 40 CFR Part 60, Appendix A, Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings, (see §~~754.2~~ 765.2);

(j) Alternatively, the VOC content of coatings may be analyzed by either U.S. EPA Method 24 or SCAQMD Method 304-91 (Revised 1996), Determination of Volatile Organic Compounds (VOC) in Various Materials, SCAQMD Laboratory Methods of Analysis for Enforcement Samples, (see §~~754.2~~ 765.2); and

(k) The VOC content of methacrylate multicomponent coatings used as traffic marking coatings shall be analyzed by the procedures in 40 CFR part 59, Subpart D, Appendix A, Determination of Volatile Matter Content of Methacrylate Multicomponent Coatings Used as Traffic Marking Coatings, (September 11, 1998), (see §~~754.4~~ 765.4).

799 DEFINITIONS

799.1 The meanings ascribed to the definitions and abbreviations appearing in §199 of Chapter 1 shall apply to the terms and abbreviations in this chapter. In addition the following terms and phrases used in this chapter shall have the meanings set forth in this section unless the text or context of a particular section, subsection or paragraph provides otherwise.

ACP agreement – the document signed by the Department which includes the conditions and requirements of the Alternative Control Plan (ACP), and which allows manufacturers to sell ACP products in District of Columbia.

ACP emissions – consists of the following:

(a) The sum of the VOC emissions from every ACP product subject to an ACP Agreement approving an ACP, during the compliance period specified in the ACP agreement, expressed to the nearest pound of VOC; and

(b) Calculated according to the following equation:

$$ACP\ Emissions = (Emissions)_1 + (Emissions)_2 + \ldots + (Emissions)_N$$

$$Emissions = \frac{(VOC\ Content)\ x\ (Enforceable\ Sales)}{100}$$

where:

(1) For all products except for charcoal lighter material products:

$$VOC\ Content = \frac{((B\ \ C)\ x\ 100)}{A}$$

A = net weight of unit (excluding container and packaging);

B = total weight of all VOCs per unit, as defined in this section; and

C = total weight of all exempted VOCs per unit, as specified in §721; or

(2) For charcoal lighter material products only:

$$VOC\ Content = \frac{(Certified\ Emissions\ x\ 100)}{Certified\ Use\ Rate}$$

Certified Emissions = the emissions level for products approved by the Department under §~~727~~ 730, as determined pursuant to South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (Feb. 27, 1991) including subsequent amendments, expressed to the nearest 0.001 pound CH_2 per start; and

Certified Use Rate = the usage level for products approved by the Department under §~~727~~ 730, as determined pursuant to South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (Feb. 27, 1991) including subsequent amendments, expressed to the nearest 0.001 pound certified product used per start.

ACP limit – consists of the following:

(a) The maximum allowable ACP Emissions during the compliance period specified in an ACP Agreement approving an ACP, expressed to the nearest pound of VOC; and

(b) Calculated according to the following equation:

$$ACP\ Limit = (Limit)_1 + (Limit)_2 + \ldots + (Limit)_N$$

where~~:~~:

$$Limit = \frac{(ACP\ Standard)\ x\ (Enforceable\ Sales)}{100}$$

Enforceable Sales = the total amount of an ACP product sold for use in District of Columbia, during the applicable compliance period specified in the ACP Agreement approving an ACP, as determined through enforceable sales records, expressed to the nearest pound, excluding container and packaging;

ACP Standard = either the ACP product's Pre-ACP VOC Content, or the applicable VOC standard specified in §720, whichever is the lesser of the two;

Pre-ACP VOC Content = the lowest VOC content which the ACP product had between January 1, 1990 and the date on which the application for a proposed ACP is submitted to the Department, based on either the data on the product obtained from the March 12, 1991 CARB Consumer Products Survey, or other accurate records available to the Department, whichever yields the lowest VOC content for the product; and

1,2,...N = each product in an ACP up to the maximum N.

ACP product – any consumer product subject to the VOC standards specified in §720, except those products that have been exempted under §721, or exempted as Innovative Products under §~~733~~ 736.

ACP reformulation or ACP reformulated – the process of reducing the VOC content of an ACP product, within the period that an ACP is in effect, to a level which is less than the current VOC content of the product.

ACP standard – either the ACP product's pre-ACP VOC content or the applicable VOC standard specified in §720, whichever is the lesser of the two.

ACP VOC standard – the maximum allowable VOC content for an ACP product, determined as follows:

(a) The applicable VOC Standard specified in §720, for all ACP products except for charcoal lighter material; and

(b) For charcoal lighter material products only, the VOC Standard shall be calculated according to the following equation:

$$VOC\ Standard = \frac{(0.020\ pound\ CH_2\ per\ start\ x\ 100)}{Certified\ Use\ Rate}$$

where~~,~~:

0.020 = the certification emissions level for the District of Columbia-approved product, as specified in §~~727~~ 730; and

Certified Use Rate = the usage level for products approved by the District of Columbia under §~~727~~ 730, as determined pursuant to South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (Feb. 27, 1991), including subsequent amendments, expressed to the nearest 0.001 pound certified product used per start.

Acrylonitrile-butadiene-styrene (ABS) welding adhesive – any adhesive intended by the manufacturer to weld ABS pipe, which is made by reacting monomers of acrylonitrile, butadiene, and styrene.

Adhesive – consists of the following:

(a) For the purposes of §§719 through ~~734~~ 737:

(1) Any product that is used to bond ~~two (2) surfaces together other than by mechanical means~~ one surface to another by attachment;

(2) Does not include products used on humans and animals, adhesive tape, contact paper, wallpaper, shelf liners, or any other product with an adhesive incorporated onto or in an inert substrate; ~~and~~

(3) For "contact adhesive", does not include units of product, less packaging, which consist of more than one gallon; and

(~~3~~4) For ~~contact adhesive;~~ "construction, panel, and floor covering adhesive"~~;~~ and "general purpose adhesive", ~~however, this limitation~~ does not apply to aerosol adhesives or units of product, less packaging, which ~~consist of more than one (1) gallon~~ weigh more than one pound and consist of more than 16 fluid ounces; and

(b) For the purposes of §§ 738-743 and §§~~749~~ 760 through ~~754~~ 765, any ~~product~~ chemical substance that is used to bond two (2) surfaces together other than by mechanical means.

Adhesive primer – any product intended by the manufacturer to be applied to a substrate, prior to the application of an adhesive, to provide a bonding surface.

Adhesive remover – a product designed ~~exclusively for the removal of adhesives, caulk and other bonding materials from either a specific substrate or a variety of substrates.~~ to remove adhesive from either a specific substrate or a variety of substrates. Adhesive remover does not include a product that removes adhesives intended exclusively for use on humans or animals. Adhesive includes, but is not limited to, caulks, sealants, glues, or similar substances used for the purposes of forming a bond. For the purpose of this definition and "adhesive remover" subcategories (a)-(d), the term "adhesive" shall mean a substance used to bond one or more materials:

(a) Floor and wall covering adhesive remover – a product designed or labeled to remove floor or wall coverings and associated adhesive from the underlying substrate;

(b) Gasket or thread locking adhesive remover – a product designed or labeled to remove gaskets or thread locking adhesives. Products labeled for dual use as a paint stripper and gasket remover and/or thread locking adhesive remover are considered gasket or thread locking adhesive remover;

(c) General purpose adhesive remover – a product designed or labeled to remove cyanoacrylate adhesives as well as non-reactive adhesives or residue from a variety of substrates. General purpose adhesive remover includes, but is not limited to, products that remove thermoplastic adhesives; pressure sensitive adhesives; dextrine or starch-based adhesives; casein glues; rubber or latex based adhesives; as well as products that remove stickers; decals; stencils; or similar materials. General purpose adhesive remover does not include floor or wall covering adhesive remover; and

(d) Specialty adhesive remover – a product designed to remove adhesives from a variety of substrates. Reactive adhesives include adhesives that require a hardener or catalyst in order for the bond to occur. Examples of reactive adhesives include, but are not limited to epoxies, urethanes, and silicones. Specialty adhesive remover does not include gasket or thread locking adhesive remover.

Aerosol adhesive – an aerosol product in which the spray mechanism is permanently housed in a non-refillable can designed for hand-held application without the need for ancillary hoses or spray equipment. Aerosol adhesives include special purpose spray adhesives, mist-spray adhesives, and web spray adhesives.

Aerosol coating product – a pressurized coating product containing pigments or resins that dispenses product ingredients by means of a propellant, and is packaged in a disposable can for hand-held application, or for use in specialized equipment for ground traffic/marking applications.

Aerosol cooking spray – any aerosol product designed either to reduce sticking on cooking and baking surfaces or to be applied on food, or both.

~~**Aerosol product** – consist of the following:~~

~~(a) A pressurized spray system that dispenses product ingredients by means of a propellant or mechanically induced force; and~~

~~(b) Does not include pump sprays.~~

Aerosol product – a pressurized spray system that dispenses product ingredients by means of a propellant contained in a product or a product's container, or by means of a mechanically induced force, excluding pump sprays.

Aerospace component – for the purposes of §§ 738 through 743, the fabricated part, assembly of parts or completed unit of any aircraft, helicopter, missile, or space vehicle, including passenger safety equipment.

Agricultural use – consists of the following:

(a) The use of any pesticide or method or device for the control of pests in connection with the commercial production, storage or processing of any animal or plant crop;

(b) Does not include the sale or use of pesticides in properly labeled packages or containers that are intended for home use, use in structural pest control, industrial use, or institutional use; and

(c) For the purposes of this definition:

(1) "Home use" refers to use in a household or its immediate environment;

(2) "Structural pest control" refers to a use requiring a license under the applicable District of Columbia pesticide licensing requirement;

(3) "Industrial use" refers to use for or in a manufacturing, mining, or chemical process or use in the operation of factories, processing plants, and similar sites; and

(4) "Institutional use" refers to use within the lines of, or on property necessary for the operation of buildings such as hospitals, schools, libraries, auditoriums, and office complexes.

Air freshener – consists of the following:

(a) Any consumer product including, but not limited to, sprays, wicks, powders, and crystals, designed for the purpose of masking odors, or freshening, cleaning, scenting, or deodorizing the air;

(b) ~~Includes s~~Spray disinfectants and other products that are expressly represented for use as air fresheners, except institutional and industrial disinfectants when offered for sale through institutional and industrial channels of distribution. To determine whether a product is an air freshener, all verbal and visual representations regarding product use on the label or packaging and in the product's literature and advertising may be considered. The presence of, and representations about, a product's fragrance and ability to deodorize shall not constitute a claim of air freshening; and

(c) Does not include products that are used on the human body, products that function primarily as cleaning products as indicated on a product label or "toilet/urinal care products", disinfectant products claiming to deodorize by killing germs on surfaces, or institutional/industrial disinfectants when offered for sale solely through institutional and industrial channels of distribution.

Airless cleaning system - a solvent cleaning machine that is automatically operated and seals at a differential pressure of 0.50 pounds per square inch gauge (psig) or less, prior to the introduction of solvent or solvent vapor into the cleaning chamber and maintains differential pressure under vacuum during all cleaning and drying cycles.

Airless spray – a spray coating method wherein the coating is atomized by forcing it through a small nozzle opening at high pressure. The coating is not mixed with air before exiting from the nozzle opening.

Air-tight cleaning system – a solvent cleaning machine that is automatically operated and seals at a differential pressure no greater than 0.50 pounds per square inch gauge (psig), prior to the introduction of solvent or solvent vapor into the cleaning chamber and during all cleaning and drying cycles.

All other carbon-containing compounds – all other compounds which contain at least one (1) carbon atom and are not a Table B compound or a LVP-VOC.

All other forms – all consumer product forms for which no specific VOC standard is specified including but not limited to solids, liquids, wicks, powders, crystals, and cloth or paper wipes (towelettes).

Alternative control plan or ACP – any emissions averaging program approved by the District of Columbia pursuant to the provisions of this regulation.

Antenna coating – a coating labeled and formulated exclusively for application to equipment and associated structural appurtenances that are used to receive or transmit electromagnetic signals.

Antifouling coating – a coating labeled formulated for application to submerged stationary structures and their appurtenances to prevent or reduce the attachment of marine or freshwater biological organisms. To qualify as an antifouling coating, the coating must be registered with both the U.S. EPA under the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. §136 *et seq.*) and with the District of Columbia Department of the Environment ~~Health, Environmental Health Administration, Toxic Substances Division~~ (20 DCMR Chapters 20-25).

Antimicrobial hand or body cleaner or soap – consists of the following:

(a) A cleaner or soap that is designed to reduce the level of microorganisms on the skin through germicidal activity including but not limited to anti-microbial hand or body washes/cleaners, food-handler hand washes, healthcare personnel hand washes, pre-operative skin preparations, and surgical scrubs; and

(b) Does not include prescription drug products, antiperspirants, astringent/toner, deodorant, facial cleaner or soap, general-use hand or body cleaner or soap, hand dishwashing detergent, including antimicrobial, heavy-duty hand cleaner or soap, medicated astringent/medicated toner, and rubbing alcohol.

Antiperspirant – any product including, but not limited to, aerosols, roll-ons, sticks, pumps, pads, creams, and squeeze-bottles, that is intended by the manufacturer to be used to reduce perspiration in the human axilla by at least twenty percent (20%) in at least fifty percent (50%) of a target population.

Antique motor vehicle – a motor vehicle, but not a reproduction thereof, manufactured more than twenty-five (25) years prior to the current year that has been maintained in or restored to a condition that is substantially in conformance with manufacturer specifications.

Anti-static product – a product that is labeled to eliminate, prevent, or inhibit the accumulation of static electricity. Anti-static product does not include electronic cleaner, floor polish or wax, floor coating, and products that meet the definition of aerosol coating product or architectural coating.

Appurtenance – any accessory to a stationary structure coated at the site of installation, whether installed or detached including but not limited to bathroom and kitchen fixtures, cabinets, concrete forms, doors, elevators, fences, hand railings, lampposts, partitions pipes and piping systems, rain gutters and downspouts, stairways, fixed ladders, catwalks and fire escapes, window screens, air conditioning equipment, heating equipment, and other fixed mechanical equipment or stationary tools.

Architectural coating – ~~consist of the following:~~ a coating applied to stationary structures and their appurtenances, to mobile homes, to pavements, or to curbs.

~~(a) A coating to be applied to stationary structures at the site of installation, to appurtenances at the site of installation, to portable buildings at the site of installation, or to pavements or curbs;~~

~~(b) Does not include coatings applied in shop applications or to non-stationary structures including but not limited to airplanes, ships, boats, railcars, and automobiles; and~~

~~(c) Does not include adhesives.~~

Architectural sealant / primer – any sealant or sealant primer intended by the manufacturer to be applied to stationary structures, including mobile homes, and appurtenances. Appurtenances to an architectural structure include, but are not limited to: hand railings, cabinets, bathroom and kitchen fixtures, fences, rain gutters and downspouts, and windows.

ASTM – the American Society for Testing and Materials.

Astringent/toner – consists of the following:

(a) Any product not regulated as a drug by the United States Food and Drug Administration (FDA) that is applied to the skin for the purpose of cleaning or tightening pores including but not limited to clarifiers and substrate-impregnated products; and

(b) Does not include any hand, face, or body cleaner or soap product, medicated astringent/medicated toner, cold cream, lotion, or antiperspirant.

Automatic closure – a device or mechanism that causes a spill-proof system or spout to close, seal, and remain completely closed when not dispensing fuel.

Automatically close – closure occurs through the activation of a device or mechanism that causes a spill-proof system or spout to close, seal, and remain completely closed when not dispensing fuel.

Automotive brake cleaner – a cleaning product designed to remove oil, grease, brake fluid, brake pad material or dirt from motor vehicle brake mechanisms.

Automotive elastomeric coating – a coating designed for application over surfaces of flexible mobile equipment and mobile equipment components, such as elastomeric bumpers.

Automotive glass adhesive primer – any adhesive primer intended by the manufacturer to be applied to automotive glass prior to installation with an adhesive/sealant. This primer improves adhesion to the pinch weld and blocks ultraviolet light.

Automotive hard paste wax – an automotive wax or polish which is designed to protect and improve the appearance of automotive paint surfaces, is a solid at room temperature, and contains zero percent (0%) water by formulation.

Automotive impact-resistant coating – a coating designed to resist chipping caused by road debris.

Automotive instant detailer – a product designed for use in a pump spray that is applied to the painted surface of automobiles and wiped off prior to the product being allowed to dry.

Automotive jambing clearcoat – a fast-drying, ready-to-spray clearcoat applied to surfaces such as door jams and trunk and hood edges to allow for quick closure.

Automotive lacquer – a thermoplastic coating applied directly to bare metal surfaces of mobile equipment and mobile equipment components which dries primarily by solvent evaporation, and which is resoluble in its original solvent.

Automotive low-gloss coating – a coating that exhibits a gloss reading less than or equal to twenty-five (25) on a sixty (60) degree glossmeter.

Automotive multi-colored topcoat – a topcoat that exhibits more than one (1) color, is packaged in a single container, and camouflages surface defects on areas of heavy use, such as cargo beds and other surfaces of trucks and other utility vehicles.

Automotive pretreatment – a primer that contains a minimum of 0.5% acid, by weight, that is applied directly to bare metal surfaces of mobile equipment and mobile equipment components to provide corrosion resistance and to promote adhesion of subsequent coatings.

Automotive primer-sealer – a coating applied to mobile equipment and mobile equipment components prior to the application of a topcoat for the purpose of providing corrosion resistance, promoting adhesion of subsequent coatings, promoting color uniformity, and promoting the ability of the undercoat to resist penetration by the topcoat.

Automotive primer-surfacer – a coating applied to mobile equipment and mobile equipment components prior to the application of topcoat for the purpose of filling surface imperfections in the substrate, providing corrosion resistance, or promoting adhesion of subsequent coatings.

Automotive rubbing or polishing compound – a product designed primarily to remove oxidation, old paint, scratches or swirl marks, and other defects from the painted surfaces of motor vehicles without leaving a protective barrier.

Automotive specialty coating – coatings including but not limited to elastomeric coatings, adhesion promoters, low gloss coatings, bright metal trim repair coatings, jambing clearcoats, impact resistant coatings, rubberized asphaltic underbody coatings, uniform finish blenders, weld-through primers applied to automotive surfaces and lacquer topcoats applied to a classic motor vehicle or to an antique motor vehicle.

Automotive topcoat – a coating or series of coatings applied over an automotive primer-surfacer, automotive primer-sealer or existing finish on the surface of mobile equipment and mobile equipment components for the purpose of protection or beautification.

Automotive touch-up repair – the application of automotive topcoat finish materials to cover minor finishing imperfections equal to or less than one (1) inch in diameter.

Automotive wax, polish, sealant or glaze – consists of the following:

(a) A product designed to seal out moisture, increase gloss, or otherwise enhance a motor vehicle's painted surfaces including but not limited to products designed for use in autobody repair shops and drive-through car washes, as well as products designed for the general public; and

(b) Does not include automotive rubbing or polishing compounds, automotive wash and wax products, surfactant-containing car wash products, and products designed for use on unpainted surfaces such as bare metal, chrome, glass, or plastic.

Automotive windshield washer fluid – consists of the following:

(a) Any liquid designed for use in a motor vehicle windshield washer system either as an antifreeze or for the purpose of cleaning, washing, or wetting the windshield; and

(b) Does not include fluids placed by the manufacturer in a new vehicle.

Batch vapor cleaning machine – consists of the following:

(a) A vapor cleaning machine in which individual parts or a set of parts move through the entire cleaning cycle before new parts are introduced into the cleaning machine including but not limited to solvent cleaning machines including ferris

wheel cleaners or cross rod machines, that clean multiple loads simultaneously and are manually loaded; and

(b) Does not include machines which do not have a solvent/air interface, such as airless and air-tight cleaning systems.

Bathroom and tile cleaner – consists of the following:

(a) A product designed to clean tile or surfaces in bathrooms; and

(b) Does not include products ~~specifically~~ designed primarily to clean toilet bowls, toilet tanks, or urinals.

Bitumens – black or brown materials including but not limited to asphalt, tar, pitch, and asphaltite that are soluble in carbon disulfide, consist mainly of hydrocarbons, and are obtained from natural deposits or as residues from the distillation of crude petroleum or coal.

Bituminous roof coating – a coating that incorporates bitumens that is labeled and formulated exclusively for roofing.

Bituminous roof primer – a primer that incorporates bitumens that is labeled and formulated exclusively for roofing.

Bond breaker – a coating labeled and formulated for application between layers of concrete to prevent a freshly poured top layer of concrete from bonding to the layer over which it is poured.

Bug and tar remover – a product ~~designed~~ labeled to remove:

(a) B~~b~~iological-type residues including but not limited to insect carcasses and tree sap; and~~,~~

(b) R~~r~~oad grime, including but not limited to road tar, roadway paint markings, and asphalt from painted motor vehicle surfaces without causing damage to the finish.

Calcimine recoater – a flat solvent-borne coating formulated and recommended specifically for recoating calcimine-painted ceilings and other calcimine-painted substrates.

CARB – the California Air Resources Board.

Carbon adsorber – a bed of activated carbon into which an air/solvent gas-vapor stream is routed and which adsorbs the solvent on the carbon.

Carburetor or fuel-injection air intake cleaners – consists of the following:

(a) A product designed to remove fuel deposits, dirt, or other contaminants from a carburetor, choke, throttle body of a fuel-injection system, or associated linkages; and

(b) Does not include products designed exclusively to be introduced directly into the fuel lines or fuel storage tank prior to introduction into the carburetor or fuel injectors.

Carpet and upholstery cleaner – consists of the following:

(a) A cleaning product designed for the purpose of eliminating dirt and stains on rugs, carpeting, and the interior of motor vehicles and/or on household furniture or objects upholstered or covered with fabrics such as wool, cotton, nylon or other synthetic fabrics including but ~~is~~ not limited to products that make fabric protectant claims; and

(b) Does not include general purpose cleaners, spot removers, vinyl or leather cleaners, dry cleaning fluids, or products designed exclusively for use at industrial facilities engaged in furniture or carpet manufacturing.

Ceramic tile installation adhesive – any adhesive intended by the manufacturer for use in the installation of ceramic tiles.

Charcoal lighter material – consists of the following:

(a) Any combustible material designed to be applied on, incorporated in, added to, or used with charcoal to enhance ignition; and

(b) Does not include electrical starters and probes, metallic cylinders using paper tinder, natural gas, propane, or fat wood.

Chlorinated polyvinyl chloride (CPVC) plastic – a polymer of the vinyl chloride monomer that contains 67 % chlorine and is normally identified with a CPVC marking.

Chlorinated polyvinyl chloride (CPVC) welding adhesive – any adhesive intended by the manufacturer for the welding of CPVC plastic pipe.

Classic motor vehicle – a motor vehicle, but not a reproduction thereof, manufactured at least fifteen (15) years prior to the current year, which has been maintained in or restored to a condition that is substantially in conformity with manufacturer specifications and appearance.

Cleanup solvent – a VOC-containing material used to remove a loosely held uncured (i.e., not dry to the touch) adhesive or sealant from a substrate, or clean equipment used in applying a material.

Clear brushing lacquers – clear wood finishes, excluding clear lacquer sanding sealers, formulated with nitrocellulose or synthetic resins to dry by solvent evaporation without chemical reaction and to provide a solid, protective film, which are intended exclusively for application by brush and which are labeled as specified in §~~752~~ 763.

Clear wood coatings – clear and semi-transparent coatings, including lacquers and varnishes, applied to wood substrates to provide a transparent or translucent solid film.

Coating – consists of the following:

(a) A material applied onto or impregnated into a substrate for protective, decorative, or functional purposes; and

(b) Includes but not limited to, paints, varnishes, sealers, and stains.

Cold cleaning machine – consists of the following:

(a) A device or piece of equipment, containing and/or using an unheated liquid which contains greater than five percent (5%) volatile organic compound or five percent (5%) hazardous air pollutant (hap) by weight, where parts are placed to remove dirt, grease, oil or other contaminants and coatings, from the surfaces of the parts or to dry the parts; and

(b) Does not include machines which do not have a solvent/air interface, such as airless and air-tight cleaning systems.

Colorant – any concentrated pigment dispersion in water, solvent, and/or binder that is added to an architectural coating after packaging in sale units to produce the desired color or coloring material used in a consumer product for an aesthetic effect, or to dramatize an ingredient.

Compliance period – the period of time, not to exceed one (1) year, for which the ACP limit and ACP emissions are calculated and for which compliance with the ACP limit is determined, as specified in the ACP Agreement approving an ACP.

Computer diskette jacket manufacturing adhesive – any adhesive intended by the manufacturer to glue the fold-over flaps to the body of a vinyl computer diskette jacket.

Concrete curing compound – a coating labeled and formulated for application to freshly poured concrete to retard the evaporation of water.

Concrete surface retarder – a mixture of retarding ingredients such as extender pigments, primary pigments, resin, and solvent that interact chemically with the cement to prevent hardening on the surface where the retarder is applied, allowing the retarded

mix of cement and sand at the surface to be washed away to create an exposed aggregate finish.

Construction, panel, and floor covering adhesive – consists of the following:

(a) Any one-component adhesive that is designed exclusively for the installation, remodeling, maintenance, or repair of:

(1) Structural and building components including but not limited to beams, trusses, studs, paneling, drywall or drywall laminates, fiberglass reinforced plastic (FRP), plywood, particle board, insulation board, pre-decorated hardboard or tileboard, ceiling and acoustical tile, molding, fixtures, countertops or countertop laminates, cove or wall bases, and flooring or subflooring; or

(2) Floor or wall coverings including but not limited to wood or simulated wood covering, carpet, carpet pad or cushion, vinyl-backed carpet, flexible flooring material, non-resilient flooring material, mirror tiles and other types of tiles, and artificial grass; and

(b) Does not include floor seam sealer.

Consumer – consists of the following:

(a) Any person who purchases, or otherwise acquires any consumer product or a new portable fuel container or spout for personal, family, household, or institutional use; and

(b) Does not include persons acquiring a consumer product or a portable fuel container or spout for resale.

Consumer product – consists of the following:

(a) A chemically formulated product used by household and institutional consumers including but not limited to detergents, cleaning compounds, polishes, floor finishes, cosmetics, personal care products, home, lawn, and garden products, disinfectants, sanitizers, aerosol paints, and automotive specialty products; ~~and~~

(b) Does not include other paint products, furniture coatings, or architectural coatings; and

(c) Also refers to aerosol adhesives, including aerosol adhesives used for consumer, industrial or commercial uses.

Contact adhesive / contact bond adhesive – consists of the following:

(a) An adhesive designed for application to both surfaces to be bonded together, is allowed to dry before the two (2) surfaces are placed in contact with each other, forms an immediate bond that is impossible or difficult to reposition after both adhesive-coated surfaces are placed in contact with each other, and does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces; and

(b) Does not include rubber cements that are primarily intended for use on paper substrates. Contact adhesive also does not include vulcanizing fluids that are designed and labeled for tire repair only.

Contact adhesive – general purpose – any contact adhesive that is not a contact adhesive – special purpose.

Contact adhesive – special purpose – a contact adhesive that:

(a) Is used to bond melamine-covered board, unprimed metal, unsupported vinyl, Teflon, ultra-high molecular weight polyethylene, rubber, high pressure laminate or wood veneer 1/16 inch or less in thickness to any porous or non-porous surface, and is sold in units of product, less packaging, that contain more than eight fluid ounces; or

(b) Is used in automotive applications that are:

(1) Automotive under the hood applications requiring heat, oil or gasoline resistance; or

(2) Body-side molding, automotive weather-strip or decorative trim.

Contact person – a representative that has been designated by the responsible ACP party for the purpose of reporting or maintaining any information specified in the ACP Agreement approving an ACP.

Container/packaging – the part or parts of the consumer or institutional product which serve only to contain, enclose, incorporate, deliver, dispense, wrap or store the chemically formulated substance or mixture of substances which is solely responsible for accomplishing the purposes for which the product was designed or intended including but not limited to any article onto or into which the principal display panel and other accompanying literature or graphics are incorporated, etched, printed or attached.

Conversion varnish – consists of the following:

(a) A clear acid curing coating with an alkyd or other resin blended with amino resins and supplied as a single component or two-component product; and

(b) Produces a hard, durable, clear finish designed for professional application to wood flooring. The film formation is the result of an acid-catalyzed condensation reaction, affecting a transetherification at the reactive ethers of the amino resins.

Cove base – a flooring trim unit, generally made of vinyl or rubber, having a concave radius on one edge and a convex radius on the opposite edge that is used in forming a junction between the bottom wall course and the floor or to form an inside corner.

Cove base installation adhesive – any adhesive intended by the manufacturer to be used for the installation of cove base or wall base on a wall or vertical surface at floor level.

Crawling bug insecticide – consists of the following:

(a) Any insecticide product that is designed for use against ants, cockroaches, or other household crawling arthropods, including but not limited to mites, silverfish or spiders; and

(b) Does not include products designed to be used exclusively on humans or animals, or any house dust mite product;

(1) A house dust mite product is a product whose label, packaging, or accompanying literature states that the product is suitable for use against house dust mites, and does not indicate that the product is suitable for use against ants, cockroaches, or other household crawling arthropods; and

(2) A house dust mite is a mite that feeds primarily on skin cells shed in the home by humans and pets and which belong to the phylum *Arthropoda*, the subphylum *Chelicerata*, the class *Arachnida,* the subclass *Acari,* the order *Astigmata*, and the family *Pyroglyphidae.*

Cyanoacrylate adhesive – any adhesive with a cyanoacrylate content of at least 95 % by weight.

Date-code – the day, month and year on which the consumer product was manufactured, filled, or packaged, or a code indicating such a date.

Day – unless other wise indicated refers to calendar days.

Deodorant – consists of the following:

(a) For products manufactured before January 1, 2009: any product including, but not limited to, aerosols, roll-ons, sticks, pumps, pads, creams, and squeeze-bottles, that is intended by the manufacturer to be used to minimize odor in the human axilla by retarding the growth of bacteria that cause the decomposition of perspiration.

(b) For products manufactured on or after January 1, 2009: any product including, but not limited to, aerosol, roll-ons, sticks, pumps, pads, creams, and squeeze bottles, that indicates or depicts on the container or packing, or on any label or sticker affixed thereto, that the product can be used on or applied to the human axilla to provide a scent and/or minimize odor. A "deodorant body spray" product that indicates or depicts on the container or packaging, or on any sticker or label affixed thereto, that it can be used on or applied to the human axilla, is a "deodorant".

Deodorant body spray – consists of the following:

(a) For products manufactured before January 1, 2006: a personal fragrance product with 20% or less fragrance; or

(b) For products manufactured on or after January 1, 2006: a personal fragrance product with 20 % or less fragrance that is designed for application all over the human body to provide a scent. A "deodorant body spray" product that indicates or depicts on the container or packaging, or on any sticker or label affixed thereto, that can be used on or applied to the human axilla, is a "deodorant".

Department – the District of Columbia Department of ~~Health~~ the Environment.

Device – consists of the following:

(a) Any instrument or contrivance other than a firearm which is designed for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life other than humans and other than bacteria, viruses, or other microorganisms on or in humans or other living animals; and

(b) Does not include equipment used for the application of pesticides when sold separately.

Disinfectant – consists of the following:

(a) Any product intended to destroy or irreversibly inactivate infectious or other undesirable bacteria, pathogenic fungi, or viruses on surfaces or inanimate objects and whose label is registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. §136 *et seq.*);

(b) Does not include products designed solely for use on human or animals, products designed for agricultural use, products designed solely for use in swimming pools, therapeutic tubs, or hot tubs; and

(c) Does not include products that, as indicated on the principal display panel or label, are primarily designed for use as bathroom and tile cleaners, glass cleaners, general purpose cleaners, toilet bowl cleaners, or metal polishes.

District of Columbia sales – the net pounds of product, less packaging and container, per year in District of Columbia for either the year immediately prior to the year that the registration is due or, if that data is not available, any consecutive twelve (12) month period commencing no earlier than two (2) years prior to the due date of the registration. If direct sales data for District of Columbia is not available, sales may be estimated by prorating national or regional sales data by population.

Distributor – any person to whom a consumer product or portable fuel container or spout or both portable fuel container and spout is sold or supplied for the purposes of resale or distribution in commerce, except that manufacturers, retailers, and consumers are not distributors.

Double phase aerosol air freshener – an aerosol air freshener with the liquid contents in two (2) or more distinct phases that requires the product container be shaken before use to mix the phases, producing an emulsion.

Dry cleaning fluid – consists of the following:

(a) Any non-aqueous liquid product designed and labeled exclusively for use on fabrics which are labeled "for dry clean only", including but not limited to clothing, draperies, or S-coded fabrics:

(1) Includes but is not limited to those products used by commercial dry cleaners and commercial businesses that clean fabrics such as draperies at the customer's residence or work place; and

(2) S-coded fabric is an upholstery fabric designed to be cleaned only with water-free spot cleaning products as specified by the Joint Industry Fabric Standards Committee; and

(b) Does not include spot remover or carpet and upholstery cleaner.

Dry fog coating – a coating labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with incidental surfaces in the vicinity of the surface coating activity.

Dry wall installation – the installation of gypsum dry wall to studs or solid surfaces using an adhesive formulated for that purpose.

Dusting aid – consists of the following:

(a) A product designed to assist in removing dust and other soils from floors and other surfaces without leaving a wax or silicone based coating; and

(b) Does not include "pressurized gas duster" ~~products that consist entirely of compressed gases for use in electronic or other specialty areas~~.

Dwell – holding parts within the freeboard area of a solvent cleaning machine but above the solvent vapor zone. This action is necessary after cleaning to allow solvent to drain from the parts or parts baskets back into the solvent cleaning machine.

Dwell time – the period of time between when a parts basket is placed in the vapor zone of a batch vapor or in-line vapor cleaning machine and when solvent dripping ceases. This period of time is determined by placing a basket of parts in the vapor zone and measuring the amount of time between when the parts are placed in the vapor zone and dripping ceases.

Electrical cleaner – a product labeled to remove heavy soils such as grease, grime, or oil from electrical equipment, including, but not limited to, electric motors, armatures, relays, electric panels, or generators. Electrical cleaner does not include general purpose cleaner, general purpose degreaser, dusting aid, electronic cleaner, energized electronic cleaner, pressurized gas duster, engine degreaser, anti-static product, or products designed to clean the casings or housings of electrical equipment.

Electronic ~~C~~cleaner – ~~a product designed specifically for the removal of dirt, grease or grime from electrical equipment such as electric motors, circuit boards, electricity panels, and generators.~~ a product labeled for the removal of dirt, moisture, dust, flux, or oxides from the internal components of electronic or precision equipment such as circuit boards, and the internal components of electronic devices, including, but not limited to, radios, compact disc (CD) players, digital video disc (DVD) players, and computers. Electronic cleaner does not include general purpose cleaner, general purpose degreaser, dusting aid, electronic cleaner, energized electronic cleaner, pressurized gas duster, engine degreaser, anti-static product, or products designed to clean the casings or housings of electrical equipment.

Energized electrical cleaner – a product that meets both of the following criteria:

(a) The product is labeled to clean and/or degrease electrical equipment, where cleaning and/or degreasing is accomplished when electrical current exists or when there is a residual electrical potential from a component, such as a capacitor; and

(b) The product label clearly displays the statements: "Energized Equipment use only. Not to be used for motorized vehicle maintenance or their parts".

Enforceable sales – the total amount of an ACP product sold for use in the District of Columbia~~,~~ during the applicable compliance period specified in the ACP Agreement approving an ACP, as determined through enforceable sales records, expressed to the nearest pound, excluding product container and packaging.

Enforceable sales record – a written, point-of-sale record or any other District of Columbia-approved system of documentation from which the mass, in pounds, less product container and packaging, of an ACP product sold to the end user in District of Columbia during the applicable compliance period can be accurately documented including but not limited to the following types of records:

(a) Accurate records of direct retail or other outlet sales to the end user during the applicable compliance period;

(b) Accurate compilations, made by independent market surveying services, of direct retail or other outlet sales to the end users for the applicable compliance period, provided that a detailed method which can be used to verify any data comprising such summaries is submitted by the responsible ACP party and approved by the Department; and

(c) Any other accurate product sales records approved by the Department as meeting the criteria specified in this section.

Engine degreaser – a cleaning product designed to remove grease, grime, oil and other contaminants from the external surfaces of engines and other mechanical parts.

Exempt compound – a compound identified as exempt under the definition of volatile organic compound (VOC). Exempt compounds content of a coating shall be determined by U.S. EPA Method 24 or South Coast Air Quality Management District (SCAQMD) Method 303-91 (Revised February 1993), incorporated by reference in §765.2.

Existing product – any formulation of the same product category and form sold, supplied, manufactured, or offered for sale in the District prior to January 1, 2005, or any subsequently introduced identical formulation.

Fabric protectant – consists of the following:

(a) A product designed to be applied to fabric substrates to protect the surface from soiling from dirt and other impurities or to reduce absorption of liquid into the fabric's fibers; and

(b) Does not include waterproofers, products designed for use solely on leather, or products designed for use solely on fabrics that are labeled "for dry clean only" and sold in containers of ten (10) fluid ounces or less.

Facial cleaner or soap – consists of the following:

(a) A cleaner or soap designed primarily to clean the face including but not limited to facial cleansing creams, gels, liquids, lotions, and substrate-impregnated forms; and

(b) Does not include prescription drug products, antimicrobial hand or body cleaner or soap, astringent/toner, general-use hand or body cleaner or soap, medicated astringent/medicated toner, or rubbing alcohol.

Fabric refresher – a product labeled to neutralize or eliminate odors on non-laundered fabric including, but not limited to, soft household surfaces, rugs, carpeting, draperies, bedding, automotive interiors, footwear, athletic equipment, clothing and/or on household furniture or objects upholstered or covered with fabrics such as, but not limited to, wool, cotton, or nylon. Fabric refresher does not include anti-static product, carpet and upholstery cleaner, soft household surface sanitizers, footwear or leather care product, spot remover, or disinfectant, or products labeled for application to both fabric and human skin. For the purposes of this definition only, soft household surface sanitizer means a product labeled to neutralize and eliminate odors on surfaces listed above whose label is registered as a sanitizer under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136 *et seq.*).

Facial cleaner or soap – a cleaner or soap designed primarily to clean the face. "Facial cleaner or soap" includes, but is not limited to, facial cleansing creams, semisolids, liquids, lotions, and substrate-impregnated forms. "Facial cleaner or soap" does not include prescription drug products, antimicrobial hand or body cleaner or soap, astringent/toner, general-use hand or body cleaner or soap, medicated astringent/medical toner, or rubbing alcohol.

Fat wood – consists of the following:

(a) Pieces of wood kindling with high naturally-occurring levels of sap or resin which enhance ignition of the kindling; and

(b) Does not include any kindling with substances added to enhance flammability, such as wax-covered or wax-impregnated wood-based products.

Faux finishing coating – a coating labeled and formulated as a stain or a glaze to create artistic effects including but not limited to dirt, old age, smoke damage, and simulated marble and wood grain.

Fiberglass – a material consisting of extremely fine glass fibers.

Fire-resistive coating – an opaque coating labeled and formulated to protect the structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials, that has been fire tested and rated by a testing agency and approved by District of Columbia building code officials for use in bringing assemblies of structural materials into compliance with federal or District of Columbia building code requirements;

(a) The fire-resistive coating and the testing agency must be approved by District of Columbia building code officials; and

(b) The fire-resistive coating shall be tested in accordance with ASTM Designation E 119-98, incorporated by reference in §754.

Fire-retardant coating – a coating labeled and formulated to retard ignition and flame spread, that has been fire tested and rated by a testing agency approved by District of Columbia building code officials for use in bringing building and construction materials into compliance with federal and District of Columbia building code requirements.

(a) The fire-retardant coating and the testing agency must be approved by District of Columbia building code officials.

(b) The fire-retardant coating shall be tested in accordance with ASTM Designation E 84-99, incorporated by reference in §754.

Flat coating – a coating that is not defined under any other definition in this rule and that registers gloss less than fifteen (15) on an eighty-five (85) degree meter or less than five (5) on a sixty (60) degree meter according to ASTM Designation D 523-89 (1999), incorporated by reference in §754.

Flea and tick insecticide – consists of the following:

(a) Any insecticide product that is designed for use against fleas, ticks, their larvae, or their eggs; and

(b) Does not include products that are designed to be used exclusively on humans or animals and their bedding.

Flexible flooring material – asphalt, cork, linoleum, no-wax, rubber, seamless vinyl and vinyl composite flooring.

Flexible vinyl – non-rigid polyvinyl chloride plastic with at least 5 % by weight plasticizer content.

Floor coating – an opaque coating that is labeled and ~~formulated~~ designed for application to flooring, including, but not limited to, decks, porches, steps, and other horizontal surfaces, which may be subjected to foot traffic.

Floor polish or wax – consists of the following:

(a) A wax, polish, or any other product designed to polish, protect, or enhance floor surfaces by leaving a protective coating that is designed to be periodically replenished; and

(b) Does not include spray buff products, products designed solely for the purpose of cleaning floors, floor finish strippers, products designed for unfinished wood

floors, and coatings subject to architectural coatings in §§~~749~~ 760 through ~~754~~ 765.

Floor seam sealer – any product designed and labeled exclusively for bonding, fusing, or sealing seams between adjoining rolls of installed flexible sheet flooring.

Floor wax stripper – consists of the following:

(a) A product designed to remove natural or synthetic floor polishes or waxes through breakdown of the polish or wax polymers, or by dissolving or emulsifying the polish or wax; and

(b) Does not include aerosol floor wax strippers or products designed to remove floor wax solely through abrasion.

Flow coating – a coating labeled and formulated exclusively for use by electric power companies or their subcontractors to maintain the protective coating systems present on utility transformer units.

Flying bug insecticide – consists of the following:

(a) Any insecticide product that is designed for use against flying insects or other flying arthropods including but not limited to flies, mosquitoes, moths, or gnats;

(b) Does not include "wasp and hornet insecticide," products that are designed to be used exclusively on humans or animals, or any moth-proofing product; and

(c) Moth-proofing product means a product whose label, packaging, or accompanying literature indicates that the product is designed to protect fabrics from damage by moths, but does not indicate that the product is suitable for use against flying insects or other flying arthropods.

Footwear and leather care product – consists of the following:

(a) Any product designed or labeled to be applied to footwear or to other leather articles/components, to maintain, enhance, clean, protect, or modify the appearance, durability, fit, or flexibility of the footwear or leather article/component;

(b) Includes both leather and non-leather foot apparel; and

(c) Does not include fabric protectant, general purpose adhesive, contact adhesive, vinyl/fabric/leather/polycarbonate coating, as defined in §799, rubber and vinyl protectant, fabric refresher, products solely for deodorizing, or sealant products with adhesive properties used to create external protective layers greater than 2 millimeters thick.

Form-release compound – a coating labeled and formulated for application to a concrete form to prevent the freshly poured concrete from bonding to the form. The form may consist of wood, metal, or some material other than concrete.

Fragrance – a substance or complex mixture of aroma chemicals, natural essential oils, and other functional components, with a combined vapor pressure not in excess of two millimeters of mercury (2 mm of Hg) at twenty degrees Celsius (20°C), the sole purpose of which is to impart an odor or scent, or to counteract a malodor.

Freeboard ratio – consists of the following:

(a) For a cold cleaning machine, the distance from the liquid solvent to the top edge of the cold cleaning machine divided by the width of the cold cleaning machine; and

(b) For an operating batch vapor cleaning machine or an in-line vapor cleaning machine, the distance from the top of the solvent vapor layer to the top edge of the vapor cleaning machine divided by the width of the vapor cleaning machine.

Freeboard refrigeration device – a set of secondary coils mounted in the freeboard area of a solvent cleaning machine that carries a refrigerant or other chilled substance to provide a chilled air blanket above the solvent vapor. A solvent cleaning machine's primary condenser that is capable of maintaining a temperature in the center of the chilled air blanket at not more than thirty (30) percent of the solvent boiling point and is both a primary condenser and a freeboard refrigeration device.

Fuel – all fuels subject to any provision of 20 DCMR Chapter 9, and Title 13, California Code of Regulations, Chapter 5, Standards for Motor Vehicle Fuels, Sections 2250 - 2298, except for Sections 2292.5, 2292.6, and 2292.7.

Furniture maintenance product – consist of the following:

(a) A wax, polish, conditioner, or any other product designed for the purpose of polishing, protecting or enhancing finished wood surfaces other than floors; and

(b) Does not include dusting aids, wood cleaners and products designed solely for the purpose of cleaning, and products designed to leave a permanent finish including but not limited to stains, sanding sealers and lacquers.

Furniture coating – any paint designed for application to room furnishings including but not limited to: cabinets, kitchen, bath and vanity; tables; chairs; beds; and sofas.

Gel – a colloid in which the disperse phase has combined with the continuous phase to produce a semisolid material, including but not limited to jelly.

General purpose adhesive – consists of the following:

(a) Any non-aerosol adhesive designed for use on a variety of substrates;

(b) Does not include:

(1) Contact adhesives;

(2) Construction, panel, floor covering adhesives;

(3) Adhesives designed exclusively for application on one specific category of substrates including but not limited to substrates that are composed of similar materials, including but not limited to different types of metals, paper products, ceramics, plastics, rubbers, or vinyls; ~~and~~ or

(4) Adhesives designed exclusively for use on one specific category of articles including but not limited to articles that may be composed of different materials but perform a specific function, including but not limited to gaskets, automotive trim, weather-stripping, or carpets.

General purpose cleaner – consists of the following:

(a) A product designed for general all-purpose cleaning, in contrast to cleaning products designed to clean specific substrates in certain situations including but not limited to products designed for general floor cleaning, kitchen or countertop cleaning, and cleaners designed to be used on a variety of hard surfaces; and

(b) Does not include general purpose degreasers and electronic cleaners.

General purpose degreaser – consists of the following;

(a) Any product ~~designed~~ labeled to remove or dissolve grease, grime, oil and other oil-based contaminants from a variety of substrates, including automotive or miscellaneous metallic parts;

(b) Does not include engine degreaser, general purpose cleaner, adhesive remover, electronic cleaner, electrical cleaner, energized electrical cleaner, metal polish/cleanser, products used exclusively in solvent cleaning tanks or related equipment, or products that are sold exclusively to establishments which manufacture or construct goods or commodities and are labeled "not for retail sale"; and

(c) Solvent cleaning tanks or related equipment include, but are not limited to cold cleaners, vapor degreasers, conveyorized degreasers, film cleaning machines, or products designed to clean miscellaneous metallic parts by immersion in a container.

General-use hand or body cleaner or soap – consists of the following:

(a) A cleaner or soap designed to be used routinely on the skin to clean or remove typical or common dirt and soils including but not limited to hand or body washes, dual-purpose shampoo-body cleaners, shower or bath gels, and moisturizing cleaners or soaps; and

(b) Does not include prescription drug products, antimicrobial hand or body cleaner or soap, astringent/toner, facial cleaner or soap, hand dishwashing detergent including but not limited to antimicrobial, heavy-duty hand cleaner or soap, medicated astringent/medicated toner, or rubbing alcohol.

Glass cleaner – consists of the following:

(a) A cleaning product designed primarily for cleaning surfaces made of glass; and

(b) Does not include products designed solely for the purpose of cleaning optical materials used in eyeglasses, photographic equipment, scientific equipment and photocopying machines.

Graffiti remover – a product labeled to remove spray paint, ink, marker, crayon, lipstick, nail polish, or shoe polish, from a variety of non-cloth or non-fabric substrates. Graffiti remover does not include paint remover or stripper, nail polish remover, or spot remover. Products labeled for dual use as both a paint stripper and graffiti remover are considered graffiti removers.

Graphic arts coating or sign paint – a coating labeled and formulated for hand-application by artists using brush or roller techniques to indoor and outdoor signs excluding structural components and murals including letter enamels, poster colors, copy blockers, and bulletin enamels.

Gross District of Columbia sales – the estimated total District of Columbia sales of an ACP product during a specific compliance period expressed to the nearest pound, based on either of the following methods, whichever the responsible ACP party demonstrates to the satisfaction of the Department will provide an accurate District of Columbia sales estimate:

(a) Apportionment of national or regional sales of the ACP product to District of Columbia sales, determined by multiplying the average national or regional sales of the product by the fraction of the national or regional population, respectively, that is represented by District of Columbia's current population; or

(b) Any other documented method that provides an accurate estimate of the total current District of Columbia sales of the ACP product.

Hair mousse – a hairstyling foam designed to facilitate styling of a coiffure and provide limited holding power.

Hair shine – consists of the following:

(a) Any product designed for the primary purpose of creating a shine when applied to the hair including but ~~is~~ not limited to dual-use products designed primarily to impart a sheen to the hair; and

(b) Does not include hair spray, hair mousse, hair styling product, hair styling gel, ~~spray gel~~, or products whose primary purpose is to condition or hold the hair.

Hair styling gel – a consumer product manufactured before January 1, 2009, that is a high viscosity, often gelatinous, product that contains a resin and is designed for the application to hair to aid in styling and sculpting of the hair coiffure.

Hair spray – consists of the following:

(a) For products manufactured before January 1, 2009: a consumer product designed primarily for the purpose of dispensing droplets of a resin on and into a hair coiffure which will impart sufficient rigidity to the coiffure to establish or retain the style for a period of time; and

(b) For products manufactured on or after January 1, 2009: a consumer product that is applied to styled hair, and is designed or labeled to provide sufficient rigidity, to hold, retain and/or (finish) the style of the hair for a period of time:

(1) Includes aerosol hair sprays, pump hair sprays, spray waxes; color, glitter, or sparkle hair sprays that make finishing claims; and products that are both a styling and finishing product;

(2) Does not include spray products that are intended to aid in styling but does not provide finishing of a hairstyle; and

(3) For the purposes of this definition, "finish" or "finishing" means the maintaining and/or holding of previously styled hair for a period of time, and "styling" means the forming, sculpting, or manipulating hair to temporarily alter the hair's shape.

Hair styling product – a consumer product manufactured on or after January 1, 2009, that is designed or labeled for the application to wet, damp, or dry hair to aid in defining, shaping, lifting, styling and/or sculpting of the hair:

(a) Includes, but is not limited to hair balm, clay, cream, crème, curl straightener, gel, liquid, lotion, paste, pomade, putty, root lifter, serum, spray gel, stick, temporary hair straightener, wax, spray products that aid in styling but do not provide

finishing of a hairstyle, and leave-in volumizers, detanglers, and/or conditioners that make styling claims;

(b) Does not include hair mousse, hair shine, hair spray, or shampoos and/or conditioners that are rinsed from the hair prior to styling;

(c) For the purposes of this definition, "finish" or "finishing" means the maintaining and/or holding of previously styled hair for a period of time, and "styling" means the forming, sculpting, or manipulating hair to temporarily alter the hair's shape.

Heavy-duty hand cleaner or soap – consists of the following:

(a) A product designed to clean or remove difficult dirt and soils such as oil, grease, grime, tar, shellac, putty, printer's ink, paint, graphite, cement, carbon, asphalt, or adhesives from the hand with or without the use of water; and

(b) Does not include prescription drug products, antimicrobial hand or body cleaner or soap, astringent/toner, facial cleaner or soap, general-use hand or body cleaner or Soap, medicated astringent/medicated toner, or rubbing alcohol.

Herbicide – a pesticide product designed to kill or retard a plant's growth, but excludes products that are for agricultural use, or restricted materials that require a permit for use and possession.

High-temperature coating – a high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above two-hundred and four degrees Celsius (204°C or 400°F).

High volatility organic compound (HVOC) – any volatile organic compound that exerts a vapor pressure greater than eighty (80) millimeters of mercury (mm Hg) when measured at twenty degrees Celsius (20°C).

Household product – any consumer product that is primarily designed to be used inside or outside of living quarters or residences that are occupied or intended for occupation by individuals, including the immediate surroundings.

Immersion cold cleaning machine – a cold cleaning machine in which the parts are immersed in the solvent when being cleaned.

Impacted immersion coating – a high performance maintenance coating formulated and recommended for application to steel structures subject to immersion in turbulent, debris-laden water. These coatings are specifically resistant to high-energy impact damage caused by floating ice or debris.

Indoor floor covering installation adhesive – any adhesive intended by the manufacturer for use in the installation of wood flooring, carpet, resilient tile, vinyl tile,

vinyl-backed carpet, resilient sheet and roll or artificial grass. Adhesives used to install ceramic tile and perimeter bonded sheet flooring with vinyl backing onto a non-porous substrate, such as flexible vinyl, are excluded from this category.

Industrial maintenance coating – a high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, and topcoats, formulated for application to substrates exposed to one or more of the following extreme environmental conditions listed as follows and labeled as set forth in §~~752~~ 763:

(a) Immersion in water, wastewater, or chemical solutions (aqueous and non-aqueous solutions), or chronic exposures of interior surfaces to moisture condensation;

(b) Acute or chronic exposure to corrosive, caustic, or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions;

(c) Repeated exposure to temperatures above one-hundred and twenty-one degrees Celsius (121°C or 250°F);

(d) Repeated heavy abrasion, including mechanical wear and repeated scrubbing with industrial solvents, cleansers, or scouring agents; or

(e) Exterior exposure of metal structures and structural components.

In-line vapor cleaning machine – a vapor cleaning machine that uses an automated parts handling system, typically a conveyor, to automatically provide a supply of parts to be cleaned. In-line vapor cleaning machines are fully enclosed except for the conveyor inlet and exit portals.

Insecticide – consists of the following:

(a) A pesticide product that is designed for use against insects or other arthropods; and

(b) Does not include products that are for agricultural use, for a use that requires a structural pest control license under applicable District of Columbia laws or regulations, or restricted materials that require a permit for use and possession.

Insecticide fogger – any insecticide product designed to release all or most of its content, as a fog or mist, into indoor areas during a single application.

Institutional product or industrial and institutional (I&I) product – consists of the following:

(a) A consumer product that is designed for use in the maintenance or operation of an establishment that manufactures, transports, or sells goods or commodities~~,~~; provides services for profit; or is engaged in the nonprofit promotion of a

particular public, educational, or charitable cause including but not limited to, government agencies, factories, schools, hospitals, sanitariums, prisons, restaurants, hotels, stores, automobile service and parts centers, health clubs, theaters, or transportation companies; and

(b) Does not include household products and products that are incorporated into or used exclusively in the manufacture or construction of the goods or commodities at the site of the establishment.

Kerosene – any light petroleum distillate that is commonly or commercially known, sold or represented as kerosene that is used in space heating, cook stoves, and water heaters, and is suitable for use as a light source when burned in wick-fed lamps.

Label – any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on, or appearing upon any consumer product or consumer product package, for purposes of branding, identifying, or giving information with respect to the product or to the contents of the package.

Lacquer – a clear or opaque wood coating, including clear lacquer sanding sealers, formulated with cellulosic or synthetic resins to dry by evaporation without chemical reaction and to provide a solid, protective film.

Laminate – a product made by bonding together two or more layers of material.

Laundry prewash – a product that is designed for application to a fabric prior to laundering and that supplements and contributes to the effectiveness of laundry detergents and/or provides specialized performance.

Laundry starch product – a product that is designed for application to a fabric, either during or after laundering, to impart and prolong a crisp, fresh look and may also act to help ease ironing of the fabric including but not limited to fabric finish, sizing, and starch.

Lawn and garden insecticide – an insecticide product ~~designed~~ labeled primarily to be used in household lawn and garden areas to protect plants from insects or other arthropods. Notwithstanding the requirements of §732.11 and §732.12 aerosol lawn and garden insecticide may claim to kill insects or other arthropods.

Liquid – consists of the following:

(a) A substance or mixture of substances that is capable of a visually detectable flow as determined under ASTM D-4359-90(2000)e1, including any subsequent amendments; and

(b) Does not include powders or other materials that are composed entirely of solid particles.

Low-solids coating, adhesive, sealant, or primer – a coating containing 0.12 kilograms or less of solids per liter (one (1) pound or less of solids per gallon) of ~~coating~~ material.

Lubricant – consists of the following:

(a) A product designed to reduce friction, heat, noise, or wear between moving parts, or to loosen rusted or immovable parts or mechanisms; and

(b) Does not include automotive power steering fluids, products for use inside power generating motors, engines, and turbines, and their associated power-transfer gearboxes, two cycle oils or other products designed to be added to fuels, products for use on the human body or animals, products that are sold exclusively to establishments which manufacture or construct goods or commodities, and products labeled not for retail sale.

LVP content – the total weight, in pounds, of LVP compounds in an ACP product multiplied by one-hundred (100) and divided by the product's total net weight, in pounds, excluding container and packaging, expressed to the nearest 0.1.

LVP-VOC – consists of the following:

(a) A chemical compound or mixture that contains at least one (1) carbon atom and meets one of the following:

(1) Has a vapor pressure less than 0.1 mm Hg at twenty degrees Celsius (20°C), as determined by CARB Method 310;

(2) Is a chemical "compound" with more than twelve (12) carbon atoms, or a chemical "mixture" comprised solely of "compounds" with more than twelve (12) carbon atoms as verified by formulation data, and the vapor pressure and boiling points are ~~is~~ unknown;

(3) Is a chemical "compound" with a boiling point greater than two-hundred and sixteen degrees Celsius (216°C), as determined by CARB Method 310; or

(4) Is the weight percent of a chemical "mixture" that boils above two-hundred and sixteen degrees Celsius (216° C), as determined by CARB Method 310;

(b) Chemical compound means a molecule of definite chemical formula and isomeric structure, and

(c) Chemical mixture means a substrate comprised of two or more chemical compounds.